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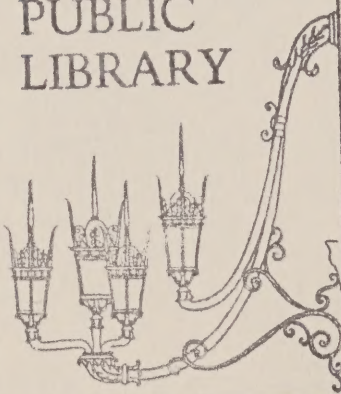
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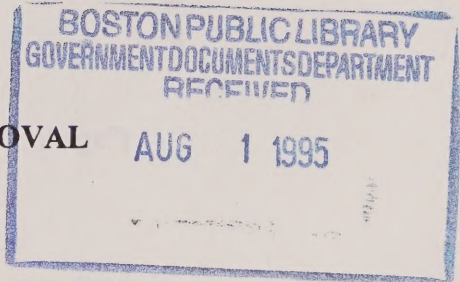


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ARTICLE 80  
DEVELOPMENT REVIEW AND APPROVAL



Overview

The Boston Redevelopment Authority is introducing a new zoning article, Article 80, to coordinate, streamline and manage the development review process. The purpose of this article is to remove regulatory obstacles to development without compromising public review or project quality. Article 80, Development Review and Approval, integrates all BRA review requirements into a single, comprehensive set of procedures for the review of real estate development projects. For the first time, these review procedures will apply citywide, based on consistent review thresholds for the downtown and for the neighborhoods.

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To ensure that project review is efficient, thorough and predictable, Article 80:

- o **Integrates all BRA review requirements** currently found in six complete zoning articles and dozens of additional sections of the zoning code.
- o **Eliminates duplicative review procedures.** Article 80 coordinates development review by the BRA and other city departments, boards and commissions -- including the Board of Appeal, the Boston Civic Design Commission, the Boston Landmarks Commission, the Boston Conservation Commission, and the Boston Transportation Department, Parks Department and Environment Department -- as well as state agencies.
- o **Provides a predictable review schedule** by establishing review and comment periods that are based on project size and location.
- o **Applies citywide**, both downtown and in all neighborhoods.

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Article 80 integrates all BRA review requirements into four basic review procedures: Large Project Review, Small Project Review, review of Planned Development Areas and Urban Renewal Areas, and Institutional Master Plan Review.

1. **Large Project Review.** Large Project Review involves a comprehensive review of the impacts of large projects, generally projects greater than 50,000 square feet in size. It is based on the existing procedures for Article 31 development review, which include public comment periods and a hearing before the BRA Board. To eliminate duplicative procedures, Large Project Review incorporates and replaces the following separate procedures:







- Article 31 development review
- Development Impact Project requirements ("linkage")
- financial disclosure requirements
- barrier-free access requirements
- BRA design review
- site plan review for Conservation Protection Subdistricts
- site plan review for Greenbelt Protection Overlay Districts
- comprehensive sign design review

2. **Small Project Review.** Small Project Review establishes citywide standards for the review of small projects. At present, design review is required for many small projects that are subject to Board of Appeal approval, but without the benefit of consistent standards for the application of review. At the same time, there is no citywide design review requirement for as-of-right projects that may have a significant visual effect on a neighborhood -- generally projects greater than 20,000 square feet in size, or somewhat smaller in Conservation Protection Subdistricts and Greenbelt Protection Overlay Districts. Small Project Review establishes consistent thresholds for the review of small projects in the downtown and the neighborhoods. Small Project Review involves a staff-level review of small projects within a specified time schedule. To eliminate duplicative procedures, Small Project Review incorporates and replaces four separate review procedures relating to project design and site plans.
3. **Review of Planned Development Areas and Urban Renewal Areas.** This review contains the requirements for BRA approval of all projects in Planned Development Areas and Urban Renewal Areas. It clarifies the basic requirements of the zoning code and incorporates the procedures and specifications previously established in separate BRA regulations.
4. **Institutional Master Plan Review.** Institutional Master Plan Review standardizes the requirements found in a variety of zoning articles for BRA review of Institutional Master Plans. It applies in all areas of the city where Institutional Master Plans are required.

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Article 80 currently is under review, after which it will be submitted to the Board of the Boston Redevelopment Authority and to the Zoning Commission for public hearings. If approved and signed by the Mayor, Article 80 will become part of the Boston Zoning Code, replacing over 300 pages of existing regulations.







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Approval by Boston Redevelopment Authority Staff

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**I. STATEMENT OF PURPOSE AND GENERAL PROVISIONS**

**SECTION 80-1. Purpose of this Article.** The purpose of this Article is to provide clear, accessible, and unified requirements for the review of development projects and land use plans throughout the City. The regulations in this Article standardize certain procedures for review by the Boston Redevelopment Authority and its staff, while maintaining differences in procedure for the review of projects in the Downtown and Neighborhoods, for large and small projects, and for different types of land use plans.

**SECTION 80-2. Scope of this Article.** This Article contains regulations for the review of development projects and plans where approval by the Boston Redevelopment Authority or its staff is required.

This Article does not include procedures for Boston Redevelopment Authority review where the Authority reviews a project or plan in an advisory capacity only. It also does not include procedures for review by other public agencies that may advise the Boston Redevelopment Authority.

**SECTION 80-3. Overview of Procedural Requirements.** This Section 80-3 sets forth an overview of the basic procedures for the review of development projects and plans, as specified in this Article. This overview is intended only to provide a summary guide to these procedures: where conflicts exist between the provisions of this Section 80-3 and the remainder of this Article and Code, the remainder of this Article and Code shall govern.

This Article sets forth two types of procedure for project review, based on project size. The thresholds for Large Project Review are set forth in Section 80B-2, and the thresholds for Small Project Review are set forth in Section 80E-2.

Large Project Review requires a hearing and vote of the Boston Redevelopment Authority approving a project impact report. The project impact report specifies measures for minimizing and mitigating project impacts. The terms of the approved project impact report are enforced by agreements between the Applicant and the Boston Redevelopment Authority.

Small Project Review requires a staff-level review of project designs and, in some cases, site plans and comprehensive sign designs. Small Project Review does not require a hearing or vote of the Boston Redevelopment Authority and does not require compliance agreements.

This Article also sets forth procedures for the review of Planned Development Area (PDA) and Urban Renewal Area special purpose overlay districts (to establish the district and to approve the land use plan for its development) and for the review of Institutional Master Plans. In addition to approval by the Boston Redevelopment

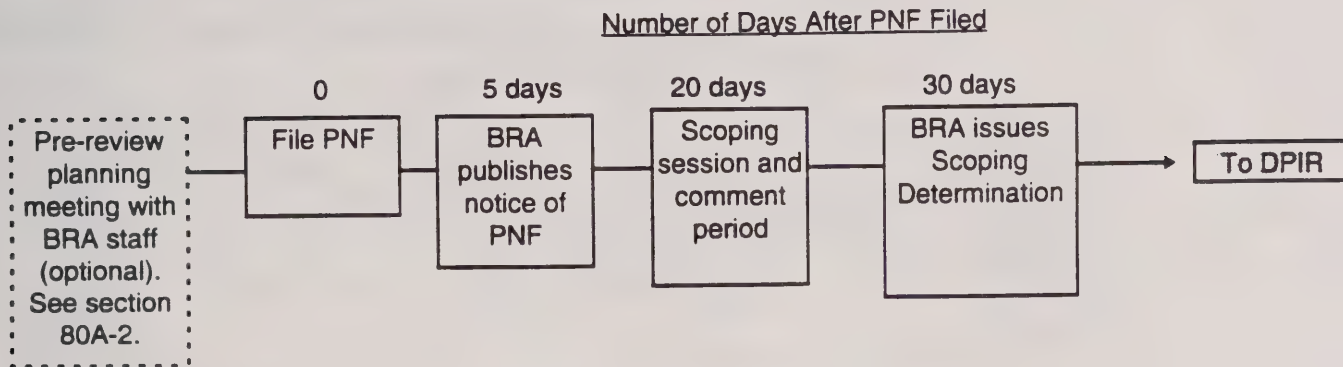


Authority, approval by the Zoning Commission, after a public hearing, is required. Compliance with the terms of the approved plan, including provisions for public benefits, is enforced by agreements, which must be approved together with the plan.

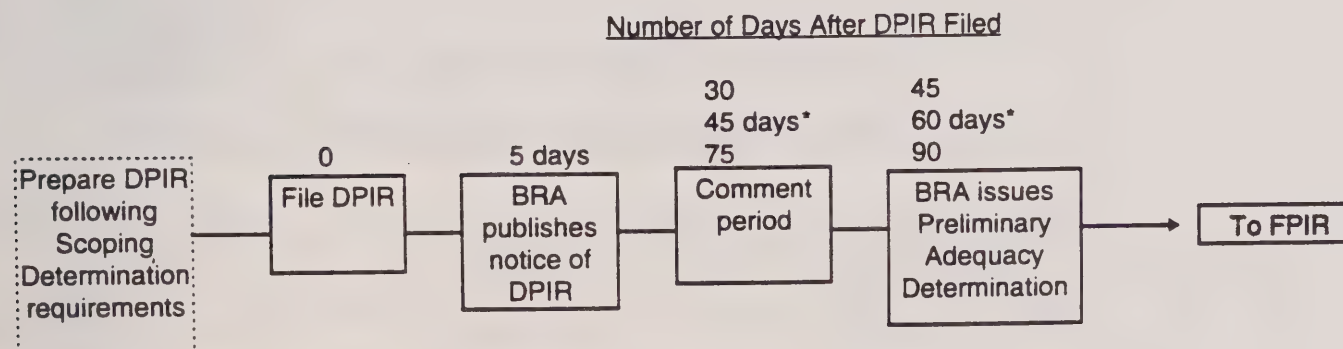
The basic review procedures and schedules set forth in this Article are outlined in the flow charts shown below. Actual review schedules may vary, as provided in this Article, to accommodate the circumstances of the project or plan. Review procedures required by this Article may be combined with each other and may be coordinated with review by other public agencies, at the Applicant's request. (See Section 80-9.) Review schedules may be extended, with notice to the Applicant. (See Section 80A-4.) For special regulations concerning schedules for Scoping Determinations, see Section 80B-5.2 and Section 80D-5.2.

## Large Project Review

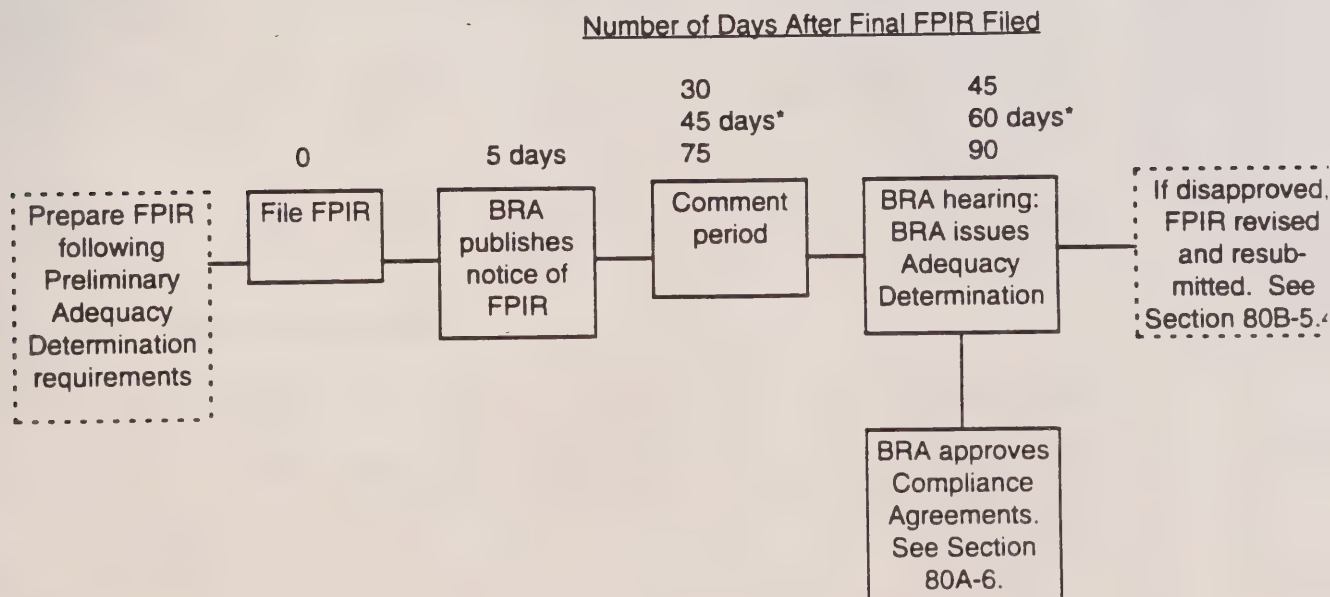
### 1. Project Notification Form (PNF) and Scoping Determination



### 2. Draft Project Impact Report (DPIR) and Preliminary Adequacy Determination



### 3. Final Project Impact Report (FPIR) and Adequacy Determination

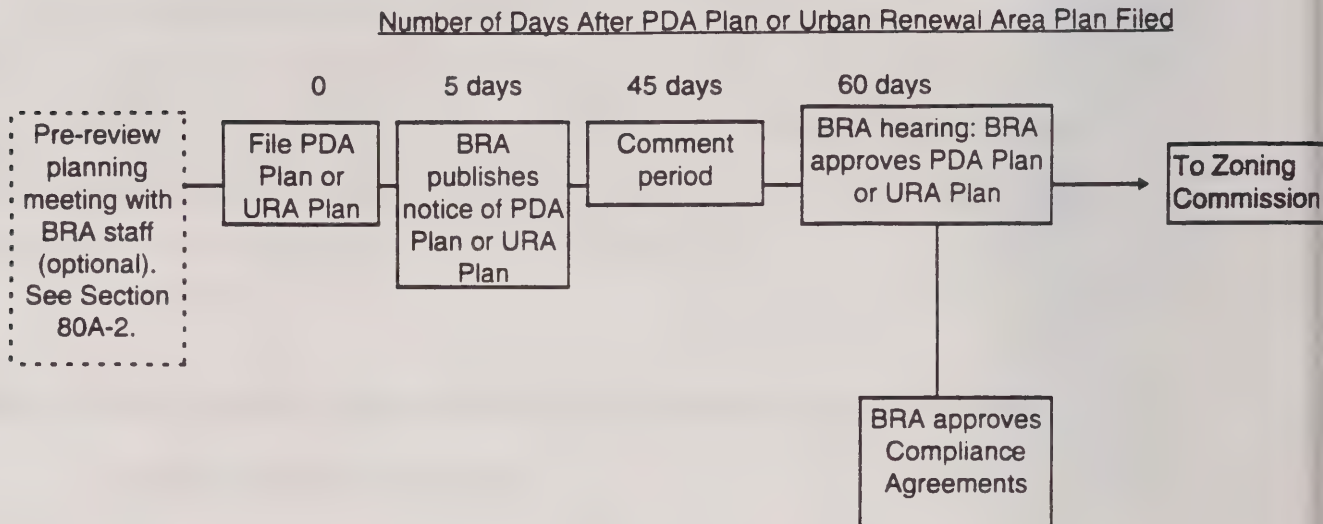


\*Depends on project size and location. See Section 80B-5.2 and Section 80B-5.3.

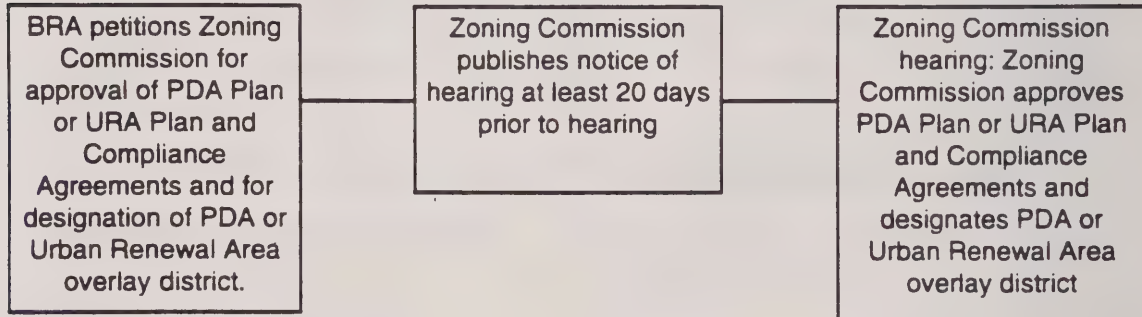


## Planned Development Areas (PDAs) and Urban Renewal Areas

### 1. Boston Redevelopment Authority Approval

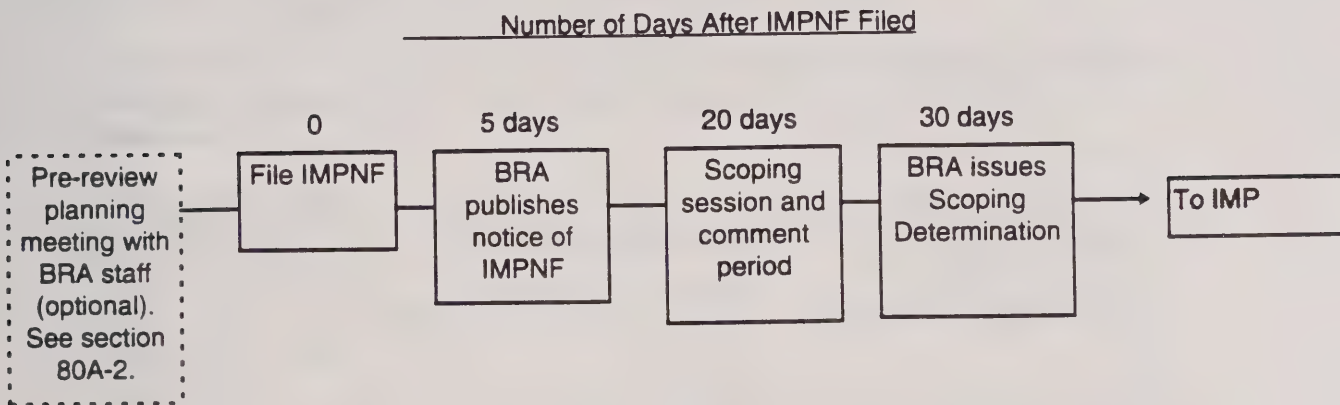


### 2. Zoning Commission Approval and Designation of Overlay District

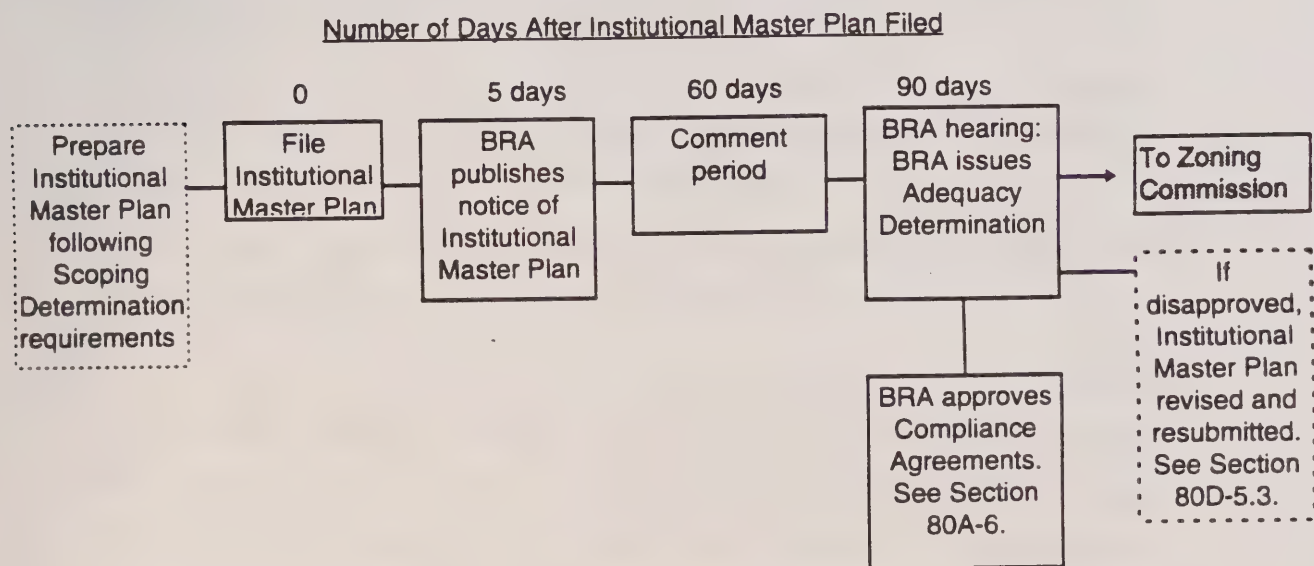


## Institutional Master Plan Review

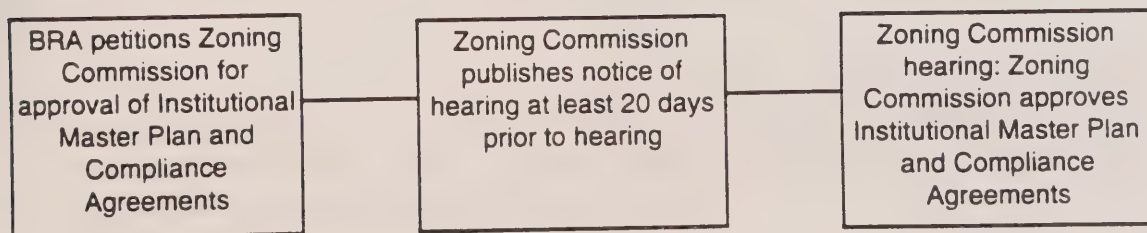
### 1. Institutional Master Plan Notification Form (IMPNF) and Scoping Determination



### 2. Institutional Master Plan and BRA Adequacy Determination

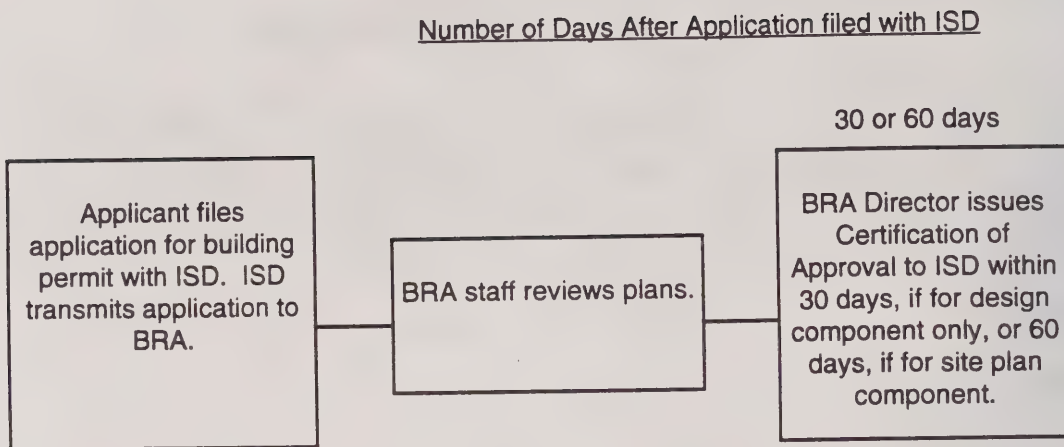


### 3. Zoning Commission Approval





## Small Project Review



**SECTION 80-4. Definitions.**

The words and phrases used in this Article, whether or not capitalized, shall have the meanings set forth in Article 2A, except where otherwise specified in this Article, and except as set forth in this Section 80-4. For the purposes of this Article, the following words and phrases shall have the meanings indicated.

1. "Accessible" or "accessible to physically handicapped persons," shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.
2. "Applicant," means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article.
3. "Authority," means the Boston Redevelopment Authority.
4. "Downtown," means the Downtown Districts, as listed in Section 3-1(e) of this Code, provided that the Beacon Hill Subdistrict shall be subject to the regulations of this Article concerning the applicability of review in the Neighborhoods. The boundaries of the Downtown are as shown on the map entitled "Downtown," Appendix A to this Article.
5. "Harborpark," means the Harborpark District, as listed in Section 3-1(f) of this Code. The boundaries of the Harborpark are as shown on the map entitled "Harborpark," Appendix B to this Article.
6. "Impact area," means the geographic district within which an impact on the Transportation Network can reasonably be attributed to the Proposed Project under review.
7. "Industrial park," means: (a) any area designated as an Industrial Park in an Economic Development Plan (EDP) approved by the Boston Economic Development Industrial Corporation (EDIC), or its successor organization, if any, and used for the purposes described in such EDP; and (b) any Marine Industrial Park, as defined in Chapter 310 of the Code of Massachusetts Regulations, as amended.
8. "Land use plan," means a Planned Development Area Plan, Urban Renewal Area Plan, or Institutional Master Plan.
9. "Level of service," means the functional capacity of a traffic intersection as measured by the ratio between the volume of vehicles passing through the intersection and the capacity of the intersection, or by the average delay per vehicle passing through the intersection.



10. "Neighborhoods," means the Neighborhood Districts as listed in Section 3-1(g) of this Code, the Beacon Hill Subdistrict, and any other area of the City of Boston not included in the Downtown or the Harborpark, as defined in this Section 80-4. The boundaries of the Neighborhoods are as shown on the maps entitled "Neighborhoods," Appendix C to this Article.
11. "Physically handicapped person," shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.
12. "Planned Development Area Development Plan," or "PDA Development Plan," means the development plan required for a Planned Development Area, pursuant to Section 3-1A.a, if such plan meets the requirements of Section 80C-3 for a PDA Development Plan.
13. "Planned Development Area Plan," or "PDA Plan," means a PDA Development Plan or PDA Master Plan.
14. "Planned Development Area Master Plan," or "PDA Master Plan," means a master plan setting forth a development concept for a PDA, as provided for in Section 3-1A.a, if such plan meets the requirements of Section 80C-3 for a PDA Master Plan but does not meet the requirements of Section 80C-3 for a PDA Development Plan.
15. "Proposed Project," means the erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.
16. "Public agency," means a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or of one or more political subdivisions of the Commonwealth, or of the United States.
17. "Review document," means any document that is subject to review by the Boston Redevelopment Authority pursuant to this Article. "Initial review document" means the review document that must be filed with the Boston Redevelopment Authority to initiate the review of a project or land use plan, pursuant to this Article. "Final review document" means the review document approved by the Boston Redevelopment Authority as the basis for its final determination pursuant to such review.
18. "Substantially rehabilitate," means to cause alterations or repairs to be made to a structure or structures within any period of twelve (12) months, if such alterations or repairs cost more than fifty percent (50%) of the physical value of the structure or structures. Physical value shall be based

on the assessed value as recorded on the assessment rolls of the City as of January 1 preceding the date of the filing of a PNF for Large Project Review, pursuant to subsection 1 of Section 80D-5.

19. "Transportation Access Plan," means a document prepared in accordance with Section 80B-3.1 that identifies the impact of a Proposed Project on the Transportation Network and describes proposed mitigation and monitoring measures.
20. "Transportation Network," means the elements of the publicly-owned facilities and accessible ways within the Impact Area of the Proposed Project, as set forth pursuant to Section 80B-3.1, and all aspects of operation and maintenance of such ways and facilities.
21. "Underlying zoning," means the zoning regulations of this Code applicable to the location of a Proposed Project or land use plan (without regard to the effect the approval of such project or plan, pursuant to this Article, may have on the applicability of such zoning regulations).
22. "Urban Renewal Area Plan," or "URA Plan," means the land assembly and redevelopment plan or urban renewal plan required for an Urban Renewal Area, pursuant to Section 3-1A.b.
23. "Zoning relief," means any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, land use plan approval or other relief granted by the Zoning Commission or the Board of Appeal.

**SECTION 80-5. Applicability of this Article.** Except as specifically provided in this Section 80-5, the provisions of this Article shall apply to: (1) any Proposed Project that meets the thresholds for review set forth in Section 80B-2 (Large Project Review), Section 80C-2 (Planned Development Areas and Urban Renewal Areas), Section 80D-2 (Institutional Master Plan Review), or Section 80E-2 (Small Project Review); (2) the approval and amendment of any Planned Development Area Plan or Urban Renewal Area Plan; and (3) the approval, amendment, renewal, and update of any Institutional Master Plan. Where conflicts exist between the provisions of this Article and the remainder of this Code, the provisions of this Article shall govern. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede the Articles and Sections of this Code specified in Appendix D to this Article.

1. Exemptions with Respect to Large Project Review. Any Proposed Project for which the Director of the Boston Redevelopment Authority has issued a



certification of compliance, pursuant to Section 31-15, prior to the first notice of hearing before the Zoning Commission for the adoption of this Article shall be exempt from the requirements of Section 80B-6 (Enforcement and Conditions: Certification of Compliance).

Any cooperation agreement that the Applicant, the Boston Redevelopment Authority, and any other parties thereto have executed, pursuant to Section 31-14, prior to the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed to be in compliance with the requirements of Section 80A-5 (Compliance Agreements) with respect to cooperation agreements. Any agreement for the payment of Development Impact Project exactions pursuant to Article 26 or Article 26A, and pursuant to Article 26B, that has been executed by the Applicant, the Boston Redevelopment Authority, and any other parties thereto prior to the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed to be in compliance with the provisions of Section 80B-7 (Development Impact Project Exactions).

Any Project Notification Form (PNF), Draft Project Impact Report (DPIR), or Final Project Impact Report (FPIR) filed, and any Scoping Determination, Preliminary Adequacy Determination, or Adequacy Determination issued, pursuant to Section 31-5, prior to the first notice of hearing before the Zoning Commission for adoption of this Article shall be deemed to be in compliance with the requirements for such documents and determinations, as set forth in Section 80B-3 (Scope of Review; Content of Reports), Section 80B-4 (Standards for Approval), and Section 80B-5 (Boston Redevelopment Authority Review Procedures), for purposes of issuance of a Certification of Compliance, pursuant to Section 80B-6.

2. Exemptions with Respect to Review of Planned Development Area Plans and Urban Renewal Area Plans. Any planned development area development plan, planned development area master plan, land assembly and redevelopment plan, or urban renewal plan for which application for approval or amendment, pursuant to Section 3-1A.a or 3-1A.b, has been submitted to the Boston Redevelopment Authority prior to the first notice of hearing before the Zoning Commission for adoption of this Article shall be deemed to be in compliance with Section 80C-3 (Scope of Review; Content of Plans), Section 80C-4 (Standards for Approval), and Section 80C-5 (Boston Redevelopment Authority Review Procedures) for purposes of issuance of a Certification of Consistency, pursuant to Section 80B-8; provided that such planned development area plan, planned development area master plan, land assembly and redevelopment plan, or urban renewal plan has been or hereafter is approved by the Boston Redevelopment Authority pursuant to such application; and provided

further that any subsequent amendment to such plan shall be subject to the terms of this Article.

3. **Exemptions with Respect to Institutional Master Plan Review.** Any Institutional Master Plan for which an Institutional Master Plan Notification Form (IMPNF) has been filed with the Boston Redevelopment Authority for the adoption, amendment, or renewal of such Institutional Master Plan prior to the first notice of hearing before the Zoning Commission for adoption of this Article shall be deemed to be in compliance with Section 80D-3 (Scope of Review; Content of Institutional Master Plan), Section 80B-4 (Standards for Approval), and Section 80D-5 (Boston Redevelopment Authority Review Procedures); provided that such adoption, amendment, or renewal of such Institutional Master Plan has been or hereafter is approved by the Boston Redevelopment Authority pursuant to such IMPNF; and provided further that any subsequent amendment, renewal or update of such Institutional Master Plan shall be subject to the terms of this Article.
4. **Exemptions with Respect to Small Project Review.** Proposed Projects are exempt from the provisions of Sections 80E-1 through 80E-6 (Small Project Review) if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and: (1) no zoning relief is required, or (2) any required zoning relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months after the date of such permit and proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

**SECTION 80-6. Appeals.** Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Article may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

**SECTION 80-7. Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

**SECTION 80-8. Severability.** The provisions and requirements of this Article are severable, and if any such requirements or provisions shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision or requirement of this Article.



## II. COORDINATION AND PLANNING OF REVIEW

**SECTION 80-9. Coordination of Review Procedures.** Where a Proposed Project that is subject to a review pursuant to this Article also is subject to other review by the Boston Redevelopment Authority, the Zoning Commission, the Board of Appeal, or other public agencies, the Boston Redevelopment Authority shall use best efforts, pursuant to this Section 80-9, to coordinate each type of review under this Article with other review to which the Proposed Project is subject. These efforts include, but need not be limited to, the specific coordination provisions set forth in this Section 80-9.

To the extent feasible, the Boston Redevelopment Authority may allow the Applicant to submit a single set of documents to satisfy the requirements of the applicable review procedures, provided that such documents satisfy the applicable substantive requirements of this Article. Upon the written request of the Applicant, the Boston Redevelopment Authority may alter the time periods set forth for any of the review procedures of this Article to achieve coordination among the review requirements that apply to the Proposed Project.

1. Coordination of Review Procedures Required by this Article.

- (a) Large Project Review: Coordination with Review of Planned Development Area Plans, Urban Renewal Area Plans, and Institutional Master Plans. The Boston Redevelopment Authority shall coordinate the requirements for Large Project Review with the requirements for the approval of Planned Development Areas and Urban Renewal Areas, and with the requirements for the approval of Institutional Master Plans.

In conducting Large Project Review for a Proposed Institutional Project that is described in an approved Institutional Master Plan, the Boston Redevelopment Authority shall limit its Scoping Determination for Large Project Review to those issues not already examined satisfactorily in the context of the approved Institutional Master Plan. However, Large Project Review shall consider a Proposed Institutional Project's impacts in the context of the impacts of the other Proposed Projects and existing uses that are identified in the Institutional Master Plan.

- (b) Large Project Review: Coordination with Boston Civic Design Commission Review. The Boston Redevelopment Authority shall coordinate the review requirements of this Article with the design review requirements of the Boston Civic Design Commission, established pursuant to Article 28, for any Proposed Project that is subject to the provisions of both this Article and Article 28. The

Boston Redevelopment Authority shall submit such Proposed Project for review to the Boston Civic Design Commission prior to the Boston Redevelopment Authority's issuance of an Adequacy Determination pursuant to Section 80B-5.

- (c) Institutional Master Plan Review: Joint Institutional Projects. A Proposed Institutional Project involving the participation of more than one Institution shall be included in an Institutional Master Plan in one of the following ways: (i) the project shall be included in its entirety in the Institutional Master Plan for one of the participating Institutions, provided that such plan discloses each Institution's identity and extent of participation; or (ii) the relevant part of such project shall be included in the Institutional Master Plan for each such Institution, unless such part of the project is exempt from Institutional Master Plan Review pursuant to Section 80D-2 (Applicability of Institutional Master Plan Review).

With respect to a Proposed Institutional Project that is included in the Institutional Master Plan of two or more Institutions, the Boston Redevelopment Authority, at the request of the Institutions, shall: (i) allow the submission of a combined IMPNF for such project incorporating all the information required from all such Institutions; (ii) limit the scope of review of such Proposed Institutional Project in each Institutional Master Plan to those portions of such project that involve the participation of that Institution; and (iii) provide for the required Institutional Master Plan amendments to be reviewed together, to the extent feasible, at any public meetings and public hearings required pursuant to Section 80D-5 and Section 80D-6.

2. Coordination with Boston Redevelopment Authority Recommendations to Board of Appeal. When a Proposed Project is subject to the review requirements of this Article and also is subject to approval by the Board of Appeal, the Boston Redevelopment Authority shall coordinate its review pursuant to this Article with its preparation of recommendations to the Board of Appeal.
3. Coordination with Review by Other Public Agencies. At the request of the Applicant, the Boston Redevelopment Authority shall use best efforts to coordinate the development review requirements of this Article with the review requirements of other public agencies to which the Applicant believes a Proposed Project or land use plan is subject. In requesting that the Boston Redevelopment Authority coordinate review under this Article with review by other public agencies, the Applicant shall file with the Boston Redevelopment Authority, in writing, a list of those agencies that the Applicant believes have jurisdiction to review Proposed Project or land use



plan. The Applicant is strongly encouraged to request a pre-review planning meeting with Boston Redevelopment Authority staff, as provided in Section 80-10, to discuss coordination of review.

- (a) Large Project Review and Institutional Master Plan Review: Joint Scoping. If a Proposed Project that is subject to Large Project Review also is subject to review as part of an Institutional Master Plan, the Boston Redevelopment Authority, at the request of the Applicant, shall invite each public agency identified on the list provided by the Applicant pursuant to this Section 80-9.3 to participate in the scoping process required by Section 80B-5 and Section 80D-5. With the Applicant's consent, the Authority also may extend such invitation to any other public agency with which the Boston Redevelopment Authority may consult during the Large Project Review or Institutional Master Plan review process. The invitation to participate should request the public agency to submit written comments to the Boston Redevelopment Authority and to attend a joint scoping session. Such invitation should indicate that the Scoping Determination to be issued by the Boston Redevelopment Authority will identify the issues required for Large Project Review or Institutional Master Plan Review and specify any modifications to the review schedule and document requirements of this Article that may be necessary to avoid unnecessary delay or duplication in light of other applicable review.
- (b) Large Project Review: Coordination with MEPA Review. If a Proposed Project that is subject to Large Project Review also is required to produce an Environmental Impact Report (EIR) pursuant to the Massachusetts Environmental Protection Act, established pursuant to Chapter 947 of the Acts of 1977, as amended, and its implementing regulations (MEPA), the Boston Redevelopment Authority, at the written request of the Applicant, may accept such EIR as the Draft Project Impact Report (DPIR), Final Project Impact Report (FPIR), or Revised Final Project Impact Report required by Section 80B-5, provided that such EIR, and such supplemental reports as are necessary to satisfy the requirements of MEPA, satisfies the substantive requirements of the Scoping Determination, and in the case of an FPIR, the Preliminary Adequacy Determination or Adequacy Determination, issued pursuant to Section 80B-5.

**SECTION 80-10. Pre-Review Planning Meeting.** The Applicant is strongly encouraged to request a pre-review planning meeting with the Boston Redevelopment Authority. At the request of the Applicant, the Boston Redevelopment Authority will schedule a pre-review planning meeting with the Applicant and Boston Redevelopment Authority staff to discuss issues that may be raised by a Proposed Project and identify

any need for coordination with other Boston Redevelopment Authority review, and with review by other public agencies.



III. REVIEW OF LARGE PROJECTS, PLANNED DEVELOPMENT AREA PLANS, URBAN RENEWAL AREA PLANS, AND INSTITUTIONAL MASTER PLANS:  
Approval Requiring Boston Redevelopment Authority Vote

A. GENERAL PROVISIONS

**SECTION 80A-1. Payment of Filing Fee.** The filing of the Initial Review Document required by Section 80B-5.1 (for Large Project Review), Section 80C-5.1 (for Planned Development Areas and Urban Renewal Areas), or Section 80D-50.1 (for Institutional Master Plan Review) shall be accompanied by the payment of a filing fee in accordance with regulations promulgated by the Boston Redevelopment Authority pursuant to Section 80-7.

**SECTION 80A-2. Public Notice and Comment.**

1. Notice of Filing of Review Document. Within five (5) days after the Boston Redevelopment Authority has received any Review Document, the Boston Redevelopment Authority shall publish notice of the receipt of the Review Document in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2 and shall make one or more copies of the Review Document available for public inspection at the offices of the Boston Redevelopment Authority. The Applicant and the Boston Redevelopment Authority shall distribute copies of Review Documents as required by Section 80A-3.
2. Notice of Boston Redevelopment Authority Hearing. At least ten (10) days prior to any hearing before the Boston Redevelopment Authority that is required pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, the Boston Redevelopment Authority shall publish notice of such hearing in the manner required by subsection 3 (Publication of Notice) of this Section 80A-2.
3. Publication of Notice. Whenever the Boston Redevelopment Authority is required to publish notice pursuant to this Section 80A-2 or Sections 80B-5, 80C-5, or 80D-5 the Authority shall publish such notice in a newspaper of general circulation in the City. Such notice shall contain the following information: (1) the Applicant's name; (2) the location of the Proposed Project and, in the case of a Planned Development Area, Urban Renewal Area, or Institutional Master Plan, the area to which the proposed Planned Development Area, Urban Renewal Area, or Institutional Master Plan will apply; (3) in the case of a notice of a Review Document, the type of Review Document and the type of review requested (for example, a Project Notification Form for Large Project Review), the date on which the Boston Redevelopment Authority received the Review Document, and the date on which written comments must be received by the Boston Redevelopment

Authority; (4) in the case of a hearing, the time and place of the hearing; and (5) the time and place at which copies of the current Review Document may be reviewed or obtained.

4. Public Comments. Public comments, including the comments of public agencies, shall be transmitted to the Boston Redevelopment Authority in writing within the time periods specified in this Article.

**SECTION 80A-3. Distribution of Review Documents.** Except where otherwise specified in this Article, the Applicant shall be responsible for the distribution of Review Documents, on request, to public agencies and to civic and community groups and members of the public. The Applicant shall distribute Review Documents without charge. In addition, the Boston Redevelopment Authority shall make copies of the following Review Documents available at the Boston Redevelopment Authority offices for distribution to the public on request: (1) PNFs for Large Project Review; (2) fact sheets and area maps for Planned Development Areas and Urban Renewal Areas; and (3) IMPNFs for Institutional Master Plan Review.

**SECTION 80A-4. Time for Determinations; Extensions of Time.**

- (a) Time for Determinations. The time periods specified in this Article for the issuance of any determination by the Boston Redevelopment Authority shall be calculated from the date on which the Boston Redevelopment Authority receives the required Review Document containing all of the information required by this Article for such Review Document. If a Review Document does not contain adequate information for the Boston Redevelopment Authority to make the determination required by this Article, the Authority may request that the Applicant submit such information, and the time period for the issuance of a determination by the Authority shall be calculated from the date on which the Authority receives such information.
- (b) Extensions of Time. The Boston Redevelopment Authority may, by notifying the Applicant in writing, extend the time periods set out in this Article for issuing a Scoping Determination, Preliminary Adequacy Determination, or Adequacy Determination pursuant to Section 80B-5, Section 80C-5, or Section 80D-5, if the Authority finds that additional time is necessary to render a determination because of the complexity of the Proposed Project.

**SECTION 80A-5. Compliance Agreements.** To ensure continued compliance with an approved Final Document, the Applicant shall enter into one or more agreements with the Boston Redevelopment Authority. Such agreements shall include a cooperation agreement, together with any other agreements necessary to enforce the applicable requirements of this Article, including but not limited to the requirements



of Section 80B-7 concerning the payment of Development Impact Project Exactions. The cooperation agreement may incorporate the terms of any other agreements that the Applicant may be required to enter into pursuant to this Article or Code concerning the same Proposed Project or land use plan.

The cooperation agreement shall include the Transportation Department as a party where continued compliance with the Transportation Component of Large Project Review, or with the transportation provisions of an approved land use plan, is specified by the approved Final Review Document. The cooperation agreement also may include other public agencies of the City as a party where necessary or convenient to achieve coordination of review pursuant to Section 80-9.

**SECTION 80A-6. Project Changes and Lapse of Time.** The Applicant shall, and others may, notify the Boston Redevelopment Authority of any change in a Proposed Project that is subject to review under this Article pursuant to Section 80B-2, Section 80C-2, or Section 80D-2.

In the event of a change in a Proposed Project, or in the event of a lapse of more than three (3) years between the filing of an Initial Review Document and the filing of a Final Review Document, or between the filing of a Final Review Document and the filing of an application for a building permit, the Director of the Boston Redevelopment Authority shall determine whether the project change or the lapse of time significantly increases the impacts of the Proposed Project or land use plan that are within the scope of the required review and warrants resubmission of the Initial Review Document, rescoping, supplementary documentation, or a further DPIR, FPIR, or land use plan.

Before determining what additional review, if any, is required, the Director shall consult with the Applicant and, as appropriate, with any public agencies that the Applicant identified pursuant to Section 80-9 (Coordination of Review Procedures).

In determining whether a project change or a lapse of time may significantly increase a Proposed Project's impacts, the Director shall consider the following factors, as they pertain to the applicable review:

- (a) increase in the Proposed Project's size or intensity of use;
- (b) generation of additional or greater impacts of the type that may be examined by the applicable review;
- (c) increase in traffic impacts or increase in the number of proposed parking spaces;
- (d) change in the expected commencement or completion date, or change in the schedule of work on the project;

- (e) change of project site;
- (f) the need for additional zoning relief;
- (g) changes in the surrounding area, when more than three (3) years has elapsed between the filing of an Initial Review Document and the filing of a Final Review Document, or between the filing of a Final Review Document and an application for a building permit.

No further review is required under this Section 80A-6 for any project change or alternative that has been considered fully in a Final Review Document.

If the Director determines that an Applicant, either knowingly or inadvertently, has concealed a material fact or submitted false information in the course of the review of a Proposed Project or land use plan, the Director may treat such determination as a project change for purposes of this Section 80A-6.



**B.    LARGE PROJECT REVIEW AND RELATED APPROVALS**

**SECTION 80B-1.   Purposes of Large Project Review and Related Approvals.**

1.    Purposes of Large Project Review Procedure.   The purpose of Large Project Review is to provide a procedure for the comprehensive review of a large development project and to afford the public the opportunity to review and comment on development proposals.   The purpose of this review is to assess a large project's impacts on the City and the area in which the project is located, and to identify necessary mitigation measures.

Large Project Review examines the impacts of development projects before and during the schematic design stage.   The review addresses the project's impacts with regard to transportation, environmental protection, urban design, historic resources, and infrastructure systems.   In Conservation Protection Subdistricts, it also examines the impacts of the project's site plan, and in the Harborpark, it addresses the project's impacts on tidelands.

Because the size at which a project can introduce significant impacts depends in part on where the project is located, the thresholds for Large Project Review vary by location.   These thresholds are set forth in Section 80B-2 (Applicability of Large Project Review.)

2.    City-Planning Goals of Large Project Review.   The city-planning goals of Large Project Review are: to protect and enhance the public realm and urban design quality; to encourage the most appropriate use of land; to improve the overall quality of development; to mitigate the impact of new development on the City's transportation network and on adjacent residential neighborhoods; to improve pedestrian and vehicular circulation and access; to ensure that physically handicapped persons have full access to buildings open to the public, to afford such persons the educational, employment, and recreational opportunities necessary to all citizens, and to preserve and increase the supply of living space accessible to physically handicapped persons; to maintain a healthy and safe environment; to provide ample access to light and air; to protect and improve air and water quality; to maintain and improve a healthy economy by augmenting the City's attractiveness as a place to do business and to visit; to encourage development that is in harmony with its surroundings; to ensure that new development is compatible with the existing traditional scale and character of Boston; to encourage new buildings and public spaces that are designed to enhance and preserve Boston's system of parks, squares, walkways, and active shopping streets; to assess the demand for infrastructure services; to ensure compliance with the intent

and purpose of this Code; and to promote efficiency in the administration of this Code.

**3.    Purposes of Development Impact Project Exactions.**

(a)    Purposes of Housing Exaction. The purposes of the Housing Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, are: to prevent overcrowding and deterioration of existing housing; to preserve and increase the City's housing amenities; to facilitate the adequate provision of low and moderate income housing; and to establish a balance between new large-scale commercial development projects and the low and moderate income housing needs of the City of Boston. The Housing Exaction requirement is designed to increase the availability of low and moderate income housing by requiring developers, as a condition of the grant of zoning relief, to make a development impact payment to the Neighborhood Housing Trust or to contribute to the creation of low and moderate income housing.

(b)    Purposes of Jobs Contribution Exaction. The purpose of the Jobs Contribution Exaction requirement for Development Impact Projects, as set forth in Section 80B-7, is to mitigate the adverse impacts of new large-scale commercial development projects by providing for related job training for low and moderate income people. The City has found that, because new commercial uses are more capital intensive and less land intensive than industrial uses, land for such commercial uses commands a higher price per acre than industrial uses, contributing to the decline of the manufacturing sector and related employment. To mitigate this impact, job training programs are needed to enable workers to compete for new non-manufacturing jobs. The Jobs Contribution Exaction requirement is designed to increase the opportunities for job training for low and moderate income people by requiring developers, as a condition of the grant of zoning relief, to make a development impact payment to the Neighborhood Jobs Trust or to create or expand job training programs.

4.    Purposes of Requirements for Disclosure of Beneficial Interests. The purposes of the disclosure requirements of Section 80B-8 include, without limitation, the following: (a) to inform public decision-makers and the public at large of the identity of, and extent of the interest held by, all persons having any beneficial interest in significant development projects that are subject to review and approval by the Boston Redevelopment Authority, the Zoning Commission, or the Board of Appeal, in order to improve municipal land use decisions and foster public understanding of, and trust in, such



review and approval processes; and (b) to provide a process under which officials making land use decisions can identify and avoid conflicts of interest.

**SECTION 80B-2. Applicability of Large Project Review and Related Approvals.**

1. Projects Subject to Large Project Review. The provisions of Section 80B-6 requiring a Certification of Compliance for Large Project Review shall apply to the following Proposed Projects:

- (a) Downtown. Any Proposed Project within the Downtown, as defined in Section 80-4:

- (i) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
    - (ii) to enlarge or erect a building or structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or
    - (iii) to establish or change the uses of a gross floor area of one hundred thousand (100,000) or more square feet; or
    - (iv) to establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet.

- (b) Neighborhoods. Any Proposed Project within the Neighborhoods, as defined in Section 80-4:

- (i) to erect a building or structure having a gross floor area of fifty thousand (50,000) or more square feet; or
    - (ii) to enlarge or erect a building or structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or
    - (iii) to establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet; or
    - (iv) to establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet.

(c) Harborpark. Any Proposed Project within the Harborpark, as defined in Section 80-4:

- (i) to erect a building or structure having a gross floor area of ten thousand (10,000) or more square feet; or
- (ii) to enlarge or erect a building or a structure so as to increase its gross floor area by ten thousand (10,000) or more square feet; or
- (iii) to establish or change the uses of fifty thousand (50,000) or more square feet of gross floor area; or
- (iv) to construct, demolish, or alter any Pier, or to alter any shoreline, which construction, demolition, or alteration affects one thousand (1,000) or more square feet of Lot Area;

provided that a Proposed Project for an allowed maritime-dependent industrial use located within a Maritime Economy Reserve (MER) Subdistrict and subject to review by the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts under the Massachusetts Environmental Protection Act and its implementing regulations (MEPA) shall not be subject to Large Project Review.

(d) Waiver or Modification of Large Project Review Requirements for Certain Projects in Industrial Areas. The purpose of this subsection 80B-2.1(d) is to allow the Boston Redevelopment Authority to waive or modify the requirements of Large Project Review for certain industrial projects in designated industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development goals set forth in this Code for such area and that such Proposed Project will not generate significant adverse impacts outside the Lot. The Boston Redevelopment Authority may waive or modify all or part of the requirements of Section 80B-3 through Section 80B-6 with respect to a Proposed Project if:

- (i) such Proposed Project is located in one of the following districts or subdistricts:

EDA - Economic Development Area  
I - General Industrial  
IDA - Industrial Development Area  
LI - Local Industrial



LIA - Logan International Airport  
M - Restricted Manufacturing  
WM - Waterfront Manufacturing

or in an industrial park, as defined in Section 80-4; and

- (ii) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and
  - (iii) the Authority determines that, with respect to those impacts that may be addressed pursuant to Section 80B-3 (Scope of Large Project Review), the Proposed Project will not have significant adverse impacts outside the Lot; and
  - (iv) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan or the applicable MEPA plan approved pursuant to Chapter 310 of the Code of Massachusetts Regulations, as amended.
2. Projects Subject to Development Impact Project Exactions. The provisions of Section 80B-7 requiring Development Impact Project exactions shall apply as provided in Section 80B-7.
3. Projects Subject to Requirements for Disclosure of Beneficial Interests. The disclosure requirements of Section 80B-8 shall apply as provided in Section 80B-8.

**SECTION 80B-3. Scope of Review; Content of Reports.** All Proposed Projects that are subject to Large Project Review, pursuant to Section 80B-2, shall satisfy requirements relating to the Large Project Review components specified in this Section 80B-3, or such of these components as are required by the Boston Redevelopment Authority in its Scoping Determination issued pursuant to Section 80B-5. The components of Large Project Review are: (1) transportation; (2) environmental protection; (3) urban design; (4) historic resources; (5) infrastructure systems; (6) site plan; and (7) tidelands, as set forth in this Section 80B-3.

1. Transportation Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a Transportation Access Plan that analyzes the Proposed Project's impact on the Transportation Network, and that proposes measures intended to

mitigate, limit, or minimize, to the extent economically feasible, any adverse impact on the Transportation Network reasonably attributable to the Proposed Project.

The Applicant shall prepare the Transportation Department Access Plan in consultation with the Transportation Department. The Boston Redevelopment Authority shall collaborate with the Transportation Department in evaluating the Transportation Component of Large Project Review. If, within the time periods allowed for public comment, the Boston Redevelopment Authority receives from the Transportation Department, in writing, a recommended Scoping Determination for the Transportation Component, or a recommendation as to whether a Draft or Final Project Impact Report complies with the requirements of the Transportation Component, the Boston Redevelopment Authority shall adopt such recommendations in the Authority's determinations.

The Transportation Access Plan may consist of one or more of the following elements, as required by the Scoping Determination: (a) Traffic Management Element; (b) Parking Management Element; (c) Construction Management Element; and (d) Monitoring Element.

- (a) Traffic Management Element. The Scoping Determination may require the Traffic Management Element to: (i) identify the Proposed Project's impact on the Transportation Network from expected travel volumes, vehicle trip generation, and directional distribution; the location of loading and unloading activities, including service and delivery; the Proposed Project's impact on the vehicular and circulation systems within the Impact Area, including the number and type of vehicles, pedestrians, and bicyclists; and the Proposed Project's impact on road corridors and intersection capacities, including Levels of Service and intersection delays from 6:00 a.m. to 8:00 p.m.; (ii) compare the impact of the Proposed Project to lesser-scale alternatives in an Impact Area and study year set out in the Scoping Determination; (iii) analyze the cumulative impact of all existing and planned development projects set forth in the Scoping Determination; (iv) identify mitigation procedures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the number of vehicle trips generated by the development, and the Proposed Project's interference with the safe and orderly operation of the Transportation Network; such measures may include an on-site traffic circulation plan, flexible employee work hours, dissemination of transit information, changes in traffic patterns, and full or partial subsidies for public mass transit; and (v) include other related information deemed necessary to the effective review of the Traffic Management Element. Notwithstanding the above, any Proposed



Project of one hundred thousand (100,000) gross square feet or less may be deemed to be in compliance with the requirements of the Traffic Management Element if a comprehensive transportation plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide transportation study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide transportation study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and may be accepted in fulfillment of it.

- (b) Parking Management Element. The Scoping Determination may require the Parking Management Element to: (i) identify the demand created by the Proposed Project for tenant, commuter, and short- and long-term visitor parking; nontenant and other parking needs within the Impact Area; and evening and weekend parking needs; (ii) include operational policies and strategies for the Proposed Project that address the location, cost, and number of public, private, high-occupancy vehicle, and special-needs parking demand; short-term and long-term space availability; pricing structure of parking rates; location and type of off-site parking; and methods of transporting people to the site from off-site parking; and (iii) include other related information deemed necessary to the effective review of the Parking Management Element. Notwithstanding the above, any Proposed Project of one hundred thousand (100,000) gross square feet or less may be deemed in compliance with the requirements of the Parking Management Element if a comprehensive parking plan is in effect for the area or district in which the Proposed Project is located, or if the Applicant participates in an areawide or districtwide parking study or plan undertaken by, or in conjunction with, the Transportation Department. If an areawide or districtwide transportation study or plan has been undertaken in conjunction with the Transportation Department, such study or plan shall be made available to the Applicant and shall contribute to this component and be accepted in fulfillment of it.
- (c) Construction Management Element. The Scoping Determination may require the Construction Management Element to: (i) identify the impact from the timing and routes of truck movement and construction deliveries for the Proposed Project; proposed street closings; and the need for employee parking; (ii) identify, and provide a plan for implementing, mitigation measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, the construction impact of the Proposed Project by limiting the number of

construction vehicle trips generated by the Proposed Project, the demand for construction-related parking (both on-site and off-site), and the interference of building construction with the safe and orderly operation of the Transportation Network, such measures to include the use of alternative modes of transport for employees and materials to and from the site; appropriate construction equipment, including use of a climbing crane; staggered hours for vehicular movement; traffic controllers to facilitate equipment and trucks entering and exiting the site; covered pedestrian walkways; alternative construction networks and construction planning; and restrictions of vehicular movement; (iii) designate a liaison between the Proposed Project, public agencies, and the surrounding residential and business communities; and (iv) include other related information deemed necessary to the effective review of the Construction Element. The plan shall comply with regulations that the Boston Redevelopment Authority and the Transportation Department may promulgate in accordance with Section 80-7.

- (d) Monitoring Element. The Scoping Determination may require the Monitoring Element to: (i) describe provisions for the periodic re-evaluation of the effectiveness of mitigation measures, for a period not to exceed ten (10) years from the issuance of a building permit for the Proposed Project and not more frequently than annually; and (ii) include provisions for monitoring during the construction phase.
- 2. Environmental Protection Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to conduct studies that are necessary to determine the direct or indirect damage to the environment reasonably attributable to the Proposed Project. In conjunction with such studies, the Boston Redevelopment Authority shall require the Applicant to propose mitigation and design measures that are intended to mitigate, limit, or minimize, to the extent economically feasible, any direct or indirect damage to the environment reasonably attributable to the Proposed Project. Elements for which environmental studies and mitigation measures may be required include the following:
  - (a) Wind. Information may be required that indicates the pedestrian-level wind impact of the Proposed Project. Wind tunnel or other appropriate means of testing may be required for any Proposed Project over one hundred fifty feet (150') in height, or any Proposed Project at least twice as tall as any adjacent building.
  - (b) Shadow. Information may be required that indicates the shadow impact of the Proposed Project, with particular emphasis on



sidewalks, plazas, and other public open spaces. Shadow analyses may be required for build and no-build scenarios.

- (c) Daylight. Information may be required that indicates the percentage of skydome obstructed for build and no-build scenarios.
- (d) Solar Glare. An analysis of the solar glare impact and solar heat gain may be required.
- (e) Air Quality. An evaluation of the impact on local air quality from additional traffic and from any garage exhaust system may be required. For residential projects, an evaluation of ambient air quality may be required to determine conformance with the National Ambient Air Quality Standards established by the United States Environmental Protection Agency.
- (f) Water Quality. An evaluation of the impact of the Proposed Project on the water quality of Boston Harbor or other affected water bodies may be required.
- (g) Flood Hazard Districts/Wetlands. A graphic or narrative description of the Proposed Project's location with respect to flood hazard districts or wetlands may be required.
- (h) Groundwater. An analysis of the impact of construction on groundwater levels and resulting effects on surrounding structures, wooden piles, and foundations may be required.
- (i) Geotechnical Impact. An analysis of sub-soil conditions, the potential for ground movement and settlement during construction, and the impact on adjacent buildings and utility lines may be required, as well as a description of foundation construction methodology.
- (j) Solid and Hazardous Wastes. A description of any known toxic or hazardous wastes on or buried in the Proposed Project's site may be required, pursuant to the requirements of M.G.L. Chapter 21C. A description of waste generation by the Proposed Project, including hazardous wastes, may be required.
- (k) Noise. A noise impact analysis to determine compliance with applicable city, state, and federal regulations may be required. For residential projects, an evaluation of ambient noise levels may be required to determine conformance with the Design Noise Levels established by the United States Department of Housing and Urban Development.

- (l) Construction Impact. A description of the Proposed Project's construction impact on public safety from noise, dust, pollutant emissions, waste generation and disposal, and staging areas, may be required.
  - (m) Rodent Control. An analysis of the Proposed Project's construction impact on any city or state rodent control programs, and a description of how construction activities comply with any city or state regulatory requirements controlling the rodent population, may be required.
3. Urban Design Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project: (a) is architecturally compatible with surrounding structures; (b) exhibits an architectural concept that enhances the urban design features of the subdistrict in which it is located; (c) augments the quality of the pedestrian environment; (d) is Accessible to Physically Handicapped Persons, if required by Section 80B-4 (Standards for Approval); and (e) is consistent with any established urban design guidelines that exist for the area in which the Proposed Project is located, as set forth in the underlying zoning. The urban design guidelines required by the underlying zoning may relate to any planning area or district and may include particular architectural requirements concerning building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics. At the request of the Applicant, the Urban Design Component may include the approval of a Comprehensive Sign Design, as provided for in Section 11-2.
4. Historic Resources Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit an analysis that sets forth measures intended to mitigate, limit, or minimize, to the extent economically feasible, any potential adverse effect that the Proposed Project may have on the historical, architectural, archaeological, or cultural resources of any district, site, building, structure, or object listed in the State Register of Historic Places. The Boston Redevelopment Authority may forward the Historic Resources Component to appropriate public agencies for their review, comment, and recommendations, including but not limited to, a statement as to whether the Proposed Project satisfies any regulatory requirements of such public agencies.
5. Infrastructure Systems Component. In its Scoping Determination, the Boston Redevelopment Authority shall require the Applicant to submit a description of the Proposed Project's anticipated water and electricity consumption, sewage generation, and energy requirements. The



Applicant's submission shall include an evaluation of the Proposed Project's impact on the capacity and adequacy of existing water, sewerage, energy, and electrical utility systems, and the need reasonably attributable to the Proposed Project for additional systems facilities.

6. Site Plan Component. If a Proposed Project is located in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD), the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit a Site Plan. The Site Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination.
  - (a) A survey map prepared by a registered surveyor showing topography at two foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.
  - (b) Photographs showing the location and condition of significant natural features.
  - (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the Conservation Protection Subdistrict or Greenbelt Protection Overlay District, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected.
  - (d) A drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features.
  - (e) A proposed maintenance program for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the maintenance program.
  - (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.

7. Tidelands Component. If a Proposed Project requires a license under M.G.L. Chapter 91, the Boston Redevelopment Authority, in its Scoping Determination, shall require the Applicant to submit an analysis of the Proposed Project together with such plans, drawings and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project complies with the standards and requirements set forth in the underlying zoning with respect to compliance with M.G.L. Chapter 91 license requirements.

**SECTION 80B-4. Standards for Large Project Review Approval.** The Adequacy Determination issued pursuant to Section 80B-5 shall require compliance with each component of the Scoping Determination. For the Urban Design Component and the Site Plan Component, if applicable, the following additional standards apply:

1. Urban Design Component: Barrier-Free Access. Except as otherwise provided in Article 6A, any Proposed Project that: (i) does not include a Residential Use or Hotel Use; or (ii) includes a Residential Use or Hotel Use having twelve (12) or more dwelling units shall meet the following requirements:
  - (a) the public areas of such Proposed Project shall be Accessible to Physically Handicapped Persons, as defined in Section 80-4; and
  - (b) in a Proposed Project for a Residential Use or a Hotel Use, a minimum of five percent (5%) of the dwelling units in such Proposed Project shall be Accessible to Handicapped Persons and shall be comparable, with respect to construction quality and exterior appearance, to other dwelling units in the Proposed Project.

For purposes of this Section 80B-4.1, "Residential Use" and "Hotel Use" mean the uses so defined in Article 2A, in those zoning districts to which Article 2A applies. In all other zoning districts, "Residential Use" means Use Item Numbers 7, 7A, 7B, 8, 8A, 10, 11, 12, 13, 13A, and 14, as defined in Table A, Section 8-7, and "Hotel Use" means Use Item Number 15, as defined in said Table A.

2. Site Plan Component.
  - (a) The Proposed Project should result in the minimum practicable interference with significant natural features within the Conservation Protection Subdistrict (CPS) or Greenbelt Protection Overlay District (GPOD) consistent with development permitted by the applicable use and dimensional controls. To the extent thus consistent,



- (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
  - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site, should be evaluated and undertaken if economically practicable. The preservation of existing vegetation is encouraged.
- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas, the preservation of significant natural features, and the arrangement of landscaping and structures on the site in a manner that is sensitive to the surrounding residential areas.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations of the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) In a Greenbelt Protection Overlay District, landscaping treatment should ensure that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained. No vegetation shall be cleared within twenty-five (25) feet of the right-of-way of the Greenbelt Roadway except where necessary to provide utilities and access to the site, and all parking shall be screened by existing vegetation or installed landscaping so that the pavement and vehicles are screened from view from the Greenbelt Roadway and from adjacent properties.
- (f) Site plan review shall take full account of reasonably foreseeable future development within the Conservation Protection Subdistrict or Greenbelt Protection Overlay District. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan of

the Applicant, or any predecessor in interest of the Applicant, within the same Conservation Protection Subdistrict or Greenbelt Protection Overlay District.

#### SECTION 80B-5. **Boston Redevelopment Authority Review Procedures.**

1. Initiating the Review Process. The Applicant shall initiate the review required by this Article for Large Project Review by filing a Project Notification Form (PNF) in writing with the Boston Redevelopment Authority.
  - (a) Time for Filing PNF. The Applicant should file the PNF in the Proposed Project's pre-schematic design phase.
  - (b) Content of PNF. The PNF shall set forth in sufficient detail those aspects of the Proposed Project that are necessary to determine its potential or likely impacts. This information shall include, but is not necessarily limited to, the Proposed Project's location, height, square footage, dimensions, uses, design, and development program.
  - (c) Public Notice. After receiving the PNF, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. Copies of the PNF shall be distributed as required by Section 80A-5.
2. Scoping Determination. The Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements of the Proposed Project described in the PNF that the Applicant must study, analyze, and mitigate. The issues that the Scoping Determination may require are set forth in Section 80B-3 (Scope of Review; Content of Reports). The Scoping Determination also may set forth any modifications to the schedule and document requirements set forth in this Article 80 that the Boston Redevelopment Authority may allow pursuant to Section 80A-1 (Coordination of Review Procedures).
  - (a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority has received the PNF. If the Boston Redevelopment Authority has not issued the Scoping Determination within such time, the Applicant may submit a proposed Scoping Determination to the Boston Redevelopment Authority. The Boston Redevelopment Authority shall have twenty-one (21) days to accept or amend the Applicant's proposed Scoping Determination, provided that, if the Boston Redevelopment Authority takes no action within such time, the



Applicant's proposed Scoping Determination shall be deemed accepted.

- (b) Public Comments. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after publication of notice of the PNF, pursuant to Section 80A-4.
  - (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority may hold a scoping session with the Applicant and any public agencies that responded in a timely manner to the notice issued pursuant to Section 80A-1.3(b) inviting the participation of public agencies.
3. Draft Project Impact Report and Preliminary Adequacy Determination.
- (a) Draft Project Impact Report. After the issuance of the Scoping Determination, the Applicant shall prepare a Draft Project Impact Report (DPIR) that meets the requirements of the Scoping Determination by detailing the Proposed Project's impacts and proposed measures to mitigate, limit, or minimize such impacts. The Draft Project Impact Report shall contain the information necessary to meet the specifications of Section 80B-3 (Scope of Review; Content of Reports) and Section 80B-4 (Standards for Approval), as required by the Scoping Determination. The Applicant shall file the Draft Project Impact Report with the Boston Redevelopment Authority.
  - (b) Public Notice and Comment. After receiving the DPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. The Applicant shall distribute copies of the DPIR as required by Section 80A-5. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date by which the Boston Redevelopment Authority must issue the Preliminary Adequacy Determination.
  - (c) Preliminary Adequacy Determination. Based on its review of the DPR and public comments, the Boston Redevelopment Authority shall issue a written Preliminary Adequacy Determination. The Preliminary Adequacy Determination shall indicate the additional steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, including any modification of the Scoping Determination that the Boston Redevelopment Authority may require pursuant to this subsection (c) of Section 80B-5.3.

- (i) Time for Issuance of Preliminary Adequacy Determination. After its receipt of the DPIR, the Boston Redevelopment Authority shall issue its Preliminary Adequacy Determination within the following number of days:
  - (1) For: (a) a Proposed Project with a gross floor area of 50,000 to 100,000 square feet; and (b) a Proposed Project of any size in an Economic Development Area, provided that the proposed uses are allowed as of right in the proposed location: forty-five (45) days.
  - (2) For a Proposed Project with a gross floor area of 100,000 to 500,000 square feet: sixty (60) days.
  - (3) For Proposed Project with a gross floor area of more than 500,000 square feet: ninety (90) days.
- (ii) Compliance with Scoping Determination. The Preliminary Adequacy Determination shall indicate which components of the Draft Project Impact Report are sufficient to meet the requirements of the Scoping Determination and which, if any, are not. If any components are inadequate, the Preliminary Adequacy Determination shall indicate the further steps necessary for the Applicant to satisfy the requirements of the Scoping Determination, as it may be modified by paragraph (iii) of this subsection (c).
- (iii) Amendment of Scoping Determination. If the Boston Redevelopment Authority's review of the Draft Project Impact Report and public comments (including the comments of public agencies) reveals negative impacts that were not anticipated in the Scoping Determination and that are within the scope of Large Project Review, the Boston Redevelopment Authority may require that the Applicant study additional issues, consider further mitigation measures, or investigate new alternatives for the scale of the Proposed Project. If, upon such review, the Boston Redevelopment Authority finds that any requirement of the Scoping Determination is no longer necessary or germane to the review of the Proposed Project, the Boston Redevelopment Authority may eliminate any such requirement from further consideration.



4. Final Project Impact Report and Adequacy Determination.

- (a) Final Project Impact Report. After the issuance of the Preliminary Adequacy Determination, the Applicant shall prepare a Final Project Impact Report (FPIR) that satisfies the requirements of the Scoping Determination, including any modifications or specifications set forth in the Preliminary Adequacy Determination. The Applicant shall file the Final Project Impact Report with the Boston Redevelopment Authority.
- (b) Public Notice and Comment. After receiving the FPIR, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. The Applicant shall distribute copies of the FPIR as required by Section 80A-5. Public comments on the Final Project Impact Report, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than fifteen (15) days prior to the date on which the Boston Redevelopment Authority must issue the Adequacy Determination.
- (c) Adequacy Determination. The Boston Redevelopment Authority shall issue a written Adequacy Determination within the same number of days, after the Authority's receipt of the FPIR, as required for issuance of a Preliminary Determination, pursuant to subsection 3(c)(i) of this Section 80B-5.

In issuing the Adequacy Determination, the Boston Redevelopment Authority shall approve, conditionally approve, or disapprove the Final Project Impact Report. If the Adequacy Determination disapproves the Final Project Impact Report, it shall provide specific reasons for the disapproval, setting forth the areas in which the Final Project Impact Report is at variance with the requirements of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination. An Adequacy Determination that conditionally approves a Proposed Project, or that disapproves a Proposed Project, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination, as it may have been modified by the Preliminary Adequacy Determination.

- 5. Revision of Final Project Impact Report. If the Adequacy Determination disapproves the Final Project Impact Report, the Applicant shall revise the FPIR before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted FPIR shall be reviewed in the manner, and subject

to the requirements, set forth in subsection 4 (Final Project Impact Report and Adequacy Determination) of this Section 80B-5.

**SECTION 80B-6. Enforcement and Conditions: Certification of Compliance.** The Commissioner of Inspectional Services shall not issue any building permit for any Proposed Project that is subject to Large Project Review, pursuant to Section 80B-2 (Applicability of Review), unless the Director of the Boston Redevelopment Authority has issued a Certification of Compliance pursuant to this Section 80B-6. A Certification of Compliance shall meet the following requirements:

1. Procedure. The Inspectional Services Department shall forward to the Boston Redevelopment Authority a copy of the building permit application filed with the Commissioner (including a copy of each plan, drawing, and specification filed in connection therewith) for a Proposed Project that is subject to Large Project Review within thirty (30) days after the completed building permit application is filed with the Commissioner.

Within thirty (30) days after the Boston Redevelopment Authority has received from the Commissioner of Inspectional Services a copy of the completed building permit application, the Director of the Boston Redevelopment Authority shall transmit to the Commissioner of Inspectional Services a Certification of Compliance, pursuant to this Section 80B-6, or a finding of noncompliance. In the case of a finding of noncompliance, the Director shall, within said thirty (30) day period, notify the Commissioner in writing, specifying the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80B-6 only if the Director finds that the Proposed Project complies with the terms of the Adequacy Determination issued pursuant to Section 80B-5.4 and the agreements executed pursuant thereto, and with the applicable provisions of:

- (a) Section 80B-7: Development Impact Project Exactions;
- (b) Section 80B-8: Disclosure of Beneficial Interests;
- (c) Section 80C-9: Planned Development Areas and Urban Renewal Areas: Certification of Consistency;
- (d) Section 80D-10: Institutional Master Plan Review: Certification of Consistency;
- (e) Article 27: Interim Planning Overlay District; and



(f) Article 28: Boston Civic Design Commission.

**SECTION 80B-7. Development Impact Project Exactions.**

1. Definitions. For the purposes of this Section 80B-7 only, the following words and phrases shall have the meanings indicated:

(a) "Development Impact Project," means a Proposed Project that:

- (i) requires zoning relief; and
- (ii) proposes to include one or more Development Impact Uses occupying an aggregate gross floor area of more than one hundred thousand (100,000) square feet; and
- (iii) proposes to: (i) erect a building or structure having a gross floor area of more than one hundred thousand (100,000) square feet; (ii) enlarge or extend a building or structure so as to increase its gross floor area by more than one hundred thousand (100,000) square feet; or (iii) substantially rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

For the purposes of the definition of Development Impact Project:

- (i) The measurement of gross floor area excludes all accessory parking garage space.
  - (ii) "Substantially rehabilitate" has the meaning set forth in Section 80-4.
  - (iii) "Development Impact Project" does not include any building or structure that is, or will be, wholly-owned by one or more public agencies.
- (b) "Development Impact Project Exaction," means the Housing Exaction specified in subsection 3, and the Jobs Contribution Exaction specified in subsection 4, of this Section 80B-7.
- (c) "Development Impact Use," means any of the following uses, as defined in Article 2A for Proposed Projects in those zoning districts to which Article 2A applies, and as described in Table A of Section 8-7 and defined in Article 2 for Proposed Projects in all other zoning districts:

- | <u>Uses</u>  | <u>Use Item Numbers</u>   |
|--|---|
| (a) Office   | 39, 39A, 40, 41, 42   |
| (b) Retail Business;<br>Service  | 30, 31, 32, 34, 34A, 35, 36,<br>36A, 37, 37A, 38, 38A, 43, 44,<br>45, 46, 47, 48, 49, 60, 60A, 61   |
| (c) Institutional;<br>Educational  | 16, 16A, 18, 19, 20, 20A, 21,<br>22, 22A, 23, 24, 29  |
| (d) Hotel; Motel   | 15 (excluding apartment hotel)  |
| (e) Other use for purposes of Housing Exaction, pursuant to<br>Section 80D-7.: | Any use not specifically listed in the definition<br>of Development Impact Use, if the Proposed Project for such use<br>will result directly in a reduction in the supply of low and<br>moderate income dwelling units, as determined by the Boston<br>Redevelopment Authority. |
- (d) "Neighborhood Housing Trust," means a Massachusetts public charitable trust created under the laws of the Commonwealth on November 19, 1985 and administered by the Collector-Treasurer of the City as managing trustee, for the purpose of receiving funds in payment of the Housing Contribution Grant required pursuant to Section 80B-7., or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.
- (e) "Neighborhood Jobs Trust," means a Massachusetts public charitable trust created under the laws of the Commonwealth on November 19, 1985 and administered by the Collector-Treasurer of the City as managing trustee, for the purpose of receiving funds in payment of the Jobs Contribution Grant required pursuant to Section 80B-7., or another trust created or administered for such purpose, if passed by the City Council and approved by the Mayor.
2. Requirement of Development Impact Project Exaction. No zoning relief shall be granted, allowed, or adopted for a Development Impact Project unless the Applicant for such zoning relief has entered into an agreement with the Boston Redevelopment Authority to meet the Development Impact Project Exaction requirements of this Section 80B-7.
- (a) Housing Exaction. For each Development Impact Use within the Proposed Project, a Housing Exaction shall be required. The Housing Exaction requirement may be met by: (i) payment of a



Housing Contribution Grant according to the formula (including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of housing units in compliance with the requirements for the Housing Creation Option, as specified in subsection 3(b) of this Section 80B-7; or (iii) a combination of payments and creation of housing units, where such combination meets the requirements of subsection 3 of this Section 80B-7. The Applicant may select the method for meeting the Housing Exaction requirement of this paragraph (a) of Section 80B-7.2.

- (b) Jobs Contribution Exaction. For each Development Impact Use within the Proposed Project, a Jobs Contribution Exaction shall be required. The Jobs Contribution Exaction requirement may be met by: (i) payment of a Jobs Contribution Grant according to the formula (including the amount and payment schedule), and in the manner, specified in this Section 80B-7; or (ii) the creation of a job training program in compliance with the requirements for the Jobs Creation Option, as specified in subsection 4(b) of this Section 80B-7; or (iii) a combination of payments and creation of housing units, where such combination meets the requirements of subsection 4 of this Section 80B-7. The Applicant may select the method for meeting the Jobs Contribution Exaction requirement of this paragraph (b) of Section 80B-7.2.

3. Housing Exaction.

(a) Housing Contribution Grant.

- (i) Amount of Grant. Payment of a Housing Contribution Grant shall be required in the amount of five dollars (\$5.00) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.
- (ii) Allocation of Grant. Ten percent (10%) of any Housing Contribution Grant made for Proposed Projects located in the Downtown and the Harborpark, and twenty percent (20%) of any Housing Contribution Grant made for Proposed Projects located in the Neighborhoods, shall be reserved for use in the area surrounding the Proposed Project that is directly affected by the housing impacts of the Proposed Project, as that area is set forth in the agreement required pursuant to this Section 80B-7, provided that the Neighborhood Housing Trust finds that proposals for feasible housing projects can be developed in such area.

- (iii) Payment Schedule. The Housing Contribution Grant shall be made to the Neighborhood Housing Trust in seven (7) equal annual installments, the first installment due upon the issuance of a building permit. The remaining six (6) payments of the Housing Contribution Grant shall be due and payable annually on the anniversary of the first payment.
- (b) Housing Creation Option. The Housing Creation Option shall be met by creating, or causing to be created, housing units for occupancy exclusively by low and moderate income residents of the City, at a cost at least equivalent to the amount of the Housing Contribution Grant, and in conformity with written regulations adopted by the Boston Redevelopment Authority, pursuant to Section 80-7, after public notice and hearing. The actual Housing Creation Contribution may be approved by the Authority only after public notice and hearing.

For purposes of the Housing Creation Option, "low and moderate income residents" shall mean those households, located in the City, whose total annual income is not more than eighty percent (80%) of the median income for the Boston area as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974, as amended.

4. Jobs Contribution Exaction.

(a) Jobs Contribution Grant.

- (i) Amount of Grant. Payment of a Jobs Contribution Grant shall be required in the amount of one dollar (\$1.00) for each square foot of gross floor area in excess of one hundred thousand (100,000) square feet that is occupied by a Development Impact Use, as defined in this Section 80B-7.
- (ii) Allocation of Grant. Twenty percent (20%) of any Jobs Contribution Grant shall be reserved for use in the area surrounding the Proposed Project, as that area is set forth in the agreement required pursuant to this Section 80B-7.
- (iii) Payment Schedule. The Jobs Contribution Grant shall be made to the Neighborhood Housing Trust in two (2) equal annual installments, the first installment due upon the issuance of a building permit. The remaining payment of the Jobs



Contribution Grant shall be due and payable on the one year anniversary of the first payment.

- (b) Jobs Creation Option. Upon approval by the Director of the Mayor's Office of Jobs and Community Services, or any successor office thereto, the Applicant may use the Jobs Contribution Grant to create a job training program for workers who will be employed, on a permanent basis, at the Proposed Project.
5. Other Requirements for Payment of Exactions.
- (a) Payments to Trust. All payments made pursuant to the Housing Exaction requirement and the Jobs Contribution Exaction requirement of this Section 80B-7 shall be made to, and for the exclusive benefit of, the Neighborhood Housing Trust and the Neighborhood Jobs Trust, respectively.
  - (b) Measurement of Area of Development Impact Uses. In calculating the amount of the Housing Contribution Grant and the Jobs Contribution Grant required pursuant to this Section 80B-7, the measurement of gross floor area shall include the area of all uses that are accessory or ancillary to the Development Impact Uses of the Proposed Project, except that such area shall not include the area of accessory parking garage space. For Proposed Projects containing more than one Development Impact Use, the gross floor area for the calculation of the amount of the Housing Exaction and the Jobs Contribution Exaction shall be the aggregate gross floor area devoted to such uses.
  - (c) Recalculation of Payment Formula. The formulas (comprising the amounts and rates of payment) for the Housing Contribution Grant and the Jobs Contribution Grant shall be subject to recalculation three (3) years after the effective date of this Article, and every three (3) years thereafter. The Boston Redevelopment Authority, after public notice and hearing, shall make a recommendation to the Zoning Commission, when appropriate, to amend such formulas, based on a consideration of the following criteria:
    - (i) Economic trends, measured in terms including, but not limited to, development activity, commercial rents per square foot, employment growth, and inflation rates.
    - (ii) Housing trends, measured in terms including, but not limited to, vacancy rates for low and moderate income housing and production statistics for new dwelling units.

- (iii) Employment trends, measured in terms including, but not limited to, unemployment rates and statistics on job training programs. The purpose of this analysis is to determine the changes in the City's employment training needs and the continuing ability of new large-scale development to assist in meeting those needs.

**SECTION 80B-8. Disclosure of Beneficial Interests.**

1. Definitions. For the purposes of this Section 80B-8 only, the following words and phrases shall have the meanings indicated:
  - (a) "Applicant" means any Person having a Beneficial Interest in a Proposed Project subject to the provisions of this article or the authorized agent of any such Person.
  - (b) "Beneficial Interest" means any legal or equitable direct or indirect ownership interest, whether as an individual or through a partnership, corporation, trust, or other legal entity, or otherwise, or a contractual right to any such ownership interest, whether or not contingent, other than a mortgage in favor of or a commitment, standby or otherwise, for mortgage financing, from: (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; or (iii) a pension fund or other employee benefit plan; or (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country.
  - (c) "Disclosure Statement" means the statement required by Section 80D-8.3.
  - (d) "Person" means an individual, partnership, corporation, trust, or other legal entity.
2. Applicability. This Section 80B-8 applies to any Proposed Project that requires zoning relief and that falls into any of the following categories:
  - (a) construction of a building or structure having a gross floor area of one hundred thousand (100,000) or more square feet;
  - (b) enlargement or extension of a building or structure so as to increase its gross floor area by one hundred thousand (100,000) or more square feet; or



- (c) establishment or change of the uses of a gross floor area of one hundred thousand (100,000) or more square feet.

3. Disclosure Statements of Persons Having Beneficial Interests in Proposed Projects.

- (a) Disclosure of Beneficial Interests in Proposed Projects. The Zoning Commission and Board of Appeal may grant zoning relief for a Proposed Project that is subject to this Section 80B-8 only if the Applicant for such Proposed Project has filed a statement (the "Disclosure Statement"), signed under penalties of perjury, with the City Clerk, with the Secretary of the Boston Redevelopment Authority, with the Secretary of the Zoning Commission in instances in which the Zoning Commission will act on an application for zoning relief, and with the Executive Secretary of the Board of Appeal in instances in which the Board of Appeal will act on an application for zoning relief, for the Proposed Project.

The Disclosure Statement shall disclose: (i) the true names and addresses of all Persons who have a Beneficial Interest in the Proposed Project, the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent (1%); and (ii) for the initial Disclosure Statement only (unless such initial Disclosure Statement is subsequently modified), the names and addresses of all firms and professional corporations employed as attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for the zoning relief, provided that the disclosure of the names and addresses of such firms and professional corporations shall not be required if the compensation for acting on behalf of the application for the zoning relief is less than fifty thousand dollars (\$50,000).

The provisions of this paragraph (a) of Section 80D-8.3 shall not apply to:

- (i) owners of 10% or less of the ownership interest in: (1) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (2) a mutual insurance company or other entity owned by its policy holders; (3) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country;

- (ii) shareholders of a limited equity or nonprofit housing cooperative;
  - (iii) a pension fund or other employee benefit plan; and
  - (iv) any other entity that may be deemed to be exempt by regulations adopted by the Boston Redevelopment Authority from time to time, pursuant to Section 80-7.
- (b) Form of Disclosure Statement. The Disclosure Statement shall be substantially in the form shown in Appendix E to this Article. If the Applicant filing the Disclosure Statement is a corporation, the Disclosure Statement shall be signed by a duly authorized officer thereof.
- (c) Circulation of Disclosure Statement. Once filed by the Applicant, the Disclosure Statement shall be circulated to all members of the Zoning Commission, Board of Appeal, and Boston Redevelopment Authority who are eligible to vote upon the application for zoning relief. The Disclosure Statement shall be circulated by the secretary of each such public agency, provided that the failure of any such secretary to circulate the Disclosure Statement as provided herein shall not affect the validity of any zoning relief nor subject the Applicant to the penalties set forth in subsection 6 of this Section 80B-8.
4. Public Records. The City Clerk shall make all Disclosure Statements required by this Section 80B-8 available to the public upon request.
5. Updating Disclosure Statements. The Applicant shall file, with the City Clerk, updated Disclosure Statements as required by this subsection 5. The updated Disclosure Statements shall contain all the information required by subsection 3 of this Section 80B-8 and shall specifically identify the differences in such information from that provided in the immediately preceding Disclosure Statement filed in connection with such Proposed Project. An updated Disclosure Statement shall be filed annually for a period of seven (7) years from the date of the first filing; provided that for any year in which there has been no material change in the identity of Persons having a Beneficial Interest in the Proposed Project, as disclosed in the previous Disclosure Statement filed, a notice in writing by the Applicant to the City Clerk to that effect shall satisfy the Applicant's obligations under this subsection 5.



6. Penalties.

- (a) Failure to File Updated Disclosure Statement; Security of Permits Issued. If the Applicant of a Proposed Project that has received zoning relief fails subsequently to file an updated Disclosure Statement as required by subsection 5 of this Section 80B-8, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.
- (b) Falsification of Disclosure Statement. Any Person who willfully files a Disclosure Statement that is false in a material matter shall be subject to the penalties of perjury pursuant to M.G.L. Chapter 268, Section 1A, and any other applicable criminal and civil penalties. If the Commissioner of Inspectional Services becomes aware that a court of competent jurisdiction has found that such a false statement in a material matter has been willfully filed, the Commissioner of Inspectional Services may take any action provided in law or equity to enforce the provisions of this Section 80B-8.

Notwithstanding the foregoing, neither the zoning relief nor any building or occupancy permits issued shall be jeopardized by reason of any violation of the provisions of this paragraph (b) of Section 80B-8.6 after the zoning relief has been granted if either:

(a) (i) a corporation, partnership, or trust, the stock of which is listed for sale to the public with the Securities and Exchange Commission or with a comparable regulatory body in a foreign country; (ii) a mutual insurance company or other entity owned by its policy holders; (iii) a pension fund or other employee benefit plan; or (iv) an insurance company, bank, or other entity subject to control, regulation, or examination by any state or federal regulatory agency or by a comparable regulatory body in a foreign country, has loaned funds for the substantial construction of the Proposed Project in reliance on such zoning relief, and has filed a notice with the Commissioner of Inspectional Services verifying the disbursement of funds for such substantial construction; or (b) a building permit allowing funding and commencement of construction has been issued by the Inspectional Services Department.

- (c) Notice of Enforcement; Cure; Limitations.
- (i) Notice of Enforcement. Prior to seeking enforcement pursuant to this subsection 6 for failure to file an updated Disclosure Statement, as provided in paragraph (a), or for falsification of a Disclosure Statement, as provided in paragraph (b), of this subsection 6, the Commissioner of Inspectional Services shall

send notice of such intended enforcement to the Applicant, and to any other Person who has a Beneficial Interest in the Proposed Project (and any other mortgagees of whom the Inspectional Services Department has notice) listed on the most recent Disclosure Statement filed by the Applicant, by certified mail to the addresses given on the most recent Disclosure Statement filed. Such notice shall advise said Applicant and each such Person that, if the updated, or true, Disclosure Statement, as the case may be, is not filed within forty-five (45) days of receipt of the notice, the Commissioner of Inspectional Services shall consider revoking the Proposed Project's building or occupancy permit as a result of such failure to file, or such falsification, as the case may be, or shall consider seeking any other remedies available at law or in equity. The Commissioner shall send a copy of such notice of intended enforcement to the Secretary of the Boston Redevelopment Authority, the Secretary of the Zoning Commission, and the Executive Secretary of the Board of Appeal.

- (ii) Cure. If, within such forty-five (45) day period, any Person to whom the notice of intended enforcement was sent provides evidence to the Commissioner of Inspectional Services of due diligence in seeking the filing of an updated, or true, Disclosure Statement, as the case may be, the Commissioner of Inspectional Services shall not take any other action to enforce the provisions of this Section 80B-8 and shall not revoke any building or occupancy permit for the Proposed Project, and no such enforcement action or revocation may take place so long as the due diligence to seek compliance is being undertaken. The failure of any Applicant to file any updated, or true, Disclosure Statement required by this Section 80B-8 may be fully and completely cured by the filing by such Applicant at any subsequent time of an updated, or true, Disclosure Statement, as the case may be, that sets forth the information required by subsection 3 of this Section 80B-8 as of the time when such filing was originally due, or by the filing by any other Applicant of an updated, or true, Disclosure Statement that sets forth, to the best knowledge of such Applicant, the information required by said subsection 3 as of the time when such filing was originally due.

For the purpose of this paragraph (c) (ii) of Section 80B-8.6, "due diligence" shall conclusively mean, but not be limited to, the diligent prosecution of a civil action to compel compliance with the requirement to file an updated, or true, Disclosure



Statement. Regulations issued by the Boston Redevelopment Authority pursuant to Section 80-7 may provide other circumstances where due diligence shall be conclusively found, including, without limitation, providing for circumstances where the interests of bona-fide purchasers and lenders shall not be jeopardized by reason of such nondisclosure if they exercise reasonable efforts to cure the noncompliance involved.

- (iii) Limitations. Any action by the Commissioner of Inspectional Services or any other party in connection with any violation of this Section 80B-8 shall be commenced only within three (3) years after the cause of action accrues. A cause of action shall be deemed to accrue with respect to any Disclosure Statement on the date when such Disclosure Statement is required to be filed pursuant to this Section 80B-8.

**C.    PLANNED DEVELOPMENT AREAS AND URBAN RENEWAL AREAS**

**SECTION 80C-1. Purpose of Review; Relationship to Section 3-1A.** The purpose of Sections 80C-2 through 80C-9 of this Article is to establish uniform procedures for the administration of the requirements of Section 3-1A.a and Section 3-1A.b, which provide for the establishment of Planned Development Area (PDA) and Urban Renewal Area (URA) special purpose overlay districts and require the review and adoption of land use plans for such districts.

**SECTION 80C-2. Planned Development Areas and Urban Renewal Areas: Applicability of Review.** The provisions of this Article concerning Planned Development Areas and Urban Renewal Areas shall apply to any application for the establishment or amendment of a Planned Development Area, pursuant to Section 3-1A.a, or an Urban Renewal Area, pursuant to Section 3-1A.b, and to any application for the approval or amendment of any PDA Plan or Urban Renewal Area Plan, as defined in Section 80-4.

**SECTION 80C-3. Planned Development Areas and Urban Renewal Areas: Scope of Review; Content of Plans.**

1. Planned Development Areas. A PDA Development Plan shall set forth the proposed location and appearance of structures, open spaces and landscaping; uses of the area; densities; traffic circulation, parking and loading facilities, and access to public transportation; and dimensions of structures. A PDA Development Plan also may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as the Boston Redevelopment Authority deems appropriate to its consideration of the proposed development of the area.

Where permitted pursuant to Section 3-1A.a, PDA Master Plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development, and such other matters that may be included in a PDA Development Plan as the Boston Redevelopment Authority may request in order to make the findings required pursuant to Section 80C-4 (Standards for Approval).

2. Urban Renewal Areas. A land assembly plan, redevelopment plan, or urban renewal plan required for an Urban Renewal Area, pursuant to Section 3-1A.b, shall establish use and dimensional controls for the area to be included in the Urban Renewal Area and shall meet all the requirements established for such plans by Massachusetts General Laws Chapter 121, as amended.



**SECTION 80C-4. Planned Development Areas and Urban Renewal Areas: Standards for Approval.** The Boston Redevelopment Authority shall not approve a Planned Development Area Plan or Urban Renewal Area Plan unless the Authority finds that: (a) such plan is not for a location where Planned Development Areas or Urban Renewal Areas are forbidden by the underlying zoning; (b) each Proposed Project in such plan is in compliance with any dimensional requirements specified for Planned Development Areas or Urban Renewal Areas in the underlying zoning; (c) such plan complies with any regulations set forth in the underlying zoning establishing planning and development criteria, including public benefits, for Planned Development Areas or Urban Renewal Areas, and, if an Urban Renewal Area Plan, such plan conforms to any applicable requirements of M.G.L. Chapter 121, as amended; (d) such plan conforms to the plan for the area in which the Planned Development Area or Urban Renewal Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such plan will be injurious to the area where the Planned Development Area or Urban Renewal Area is located or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

**SECTION 80C-5. Planned Development Areas and Urban Renewal Areas: Boston Redevelopment Authority Review Procedures.**

1. Initiating the Review Process. The Applicant shall initiate the review for the establishment or amendment of a Planned Development Area or Urban Renewal Area, pursuant to Section 3-1A.a or Section 3-1A.b, or the plan required for such area, by filing with the Boston Redevelopment Authority the plan required by said Section 3-1A.a or Section 3-1A.b, together with a fact sheet describing the Proposed Project (or the development concept for a PDA Master Plan) and a map or description of the area involved. The Applicant is encouraged to request a pre-review planning meeting with Boston Redevelopment Authority staff, pursuant to Section 80A-2, prior to initiating the review process.
2. Public Notice and Comment. After receiving the initial review documents required by subsection 1 of this Section 80C-5, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. Copies of the review documents shall be distributed as required by Section 80A-5. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within forty-five (45) days after the Boston Redevelopment Authority has received the initial review documents.
3. Boston Redevelopment Authority Review and Approval. No later than sixty (60) days after the Boston Redevelopment Authority has received the Planned Development Area Plan or Urban Renewal Area Plan filed pursuant to subsection 1 of this Section 80C-5, the Boston Redevelopment Authority shall approve the plan submitted for review and authorize its

Director to petition the Zoning Commission to approve the plan and designate the area of the Proposed Project (or master plan development concept) as a Planned Development Area or Urban Renewal Area, as the case may be, or shall conditionally approve the plan, or shall disapprove the plan. Before it issues its decision, the Boston Redevelopment Authority shall hold a public hearing, for which it shall publish notice pursuant to Section 80A-4, and shall consider the public comments received.

**SECTION 80C-6. Zoning Commission Approval.** Upon its approval of the Planned Development Area Plan or Urban Renewal Area Plan, the Boston Redevelopment Authority shall transmit such plan to the Zoning Commission for its consideration in accordance with Section 3-1A.a (for Planned Development Areas) or Section 3-1A.b (for Urban Renewal Areas).

**SECTION 80C-7. Amendments.** A PDA Plan or Urban Renewal Area Plan may be amended at any time. The procedure for amendment of a PDA Plan or Urban Renewal Area Plan is the same procedure as that required for initial approval of the PDA Plan or Urban Renewal Area Plan.

**SECTION 80C-8. Enforcement: Certification of Consistency.** The Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for any Proposed Project in a Planned Development Area or Urban Renewal Area unless the Director of the Boston Redevelopment Authority has issued:

- (a) a Certification of Consistency pursuant to this Section 80D-8; and
- (b) a Certification of Compliance with Large Project Review, pursuant to Section 80B-6, or a Certification of Approval under Small Project Review, pursuant to Section 80E-6, as applicable pursuant to Sections 80B-2 and 80E-2, respectively.

A Certification of Consistency shall meet the requirements of this Section 80C-8.

1. Procedure. The Commissioner of Inspectional Services shall forward to the Boston Redevelopment Authority a copy of any building permit application filed with the Commissioner (including a copy of each plan, drawing, and specification filed in connection therewith) for the Proposed Project within thirty (30) days after the completed building permit application is filed with the Commissioner.

Within sixty (60) days after the Boston Redevelopment Authority has received from the Commissioner of Inspectional Services a copy of the completed building permit application, the Director of the Boston Redevelopment Authority shall transmit to the Commissioner a Certification of Consistency, pursuant to this Section 80C-8, or a finding of



inconsistency, or a finding of consistency with conditions. In the case of a finding of inconsistency or a finding of consistency with conditions, the Director shall, within said sixty (60)-day period, notify the Commissioner in writing, specifying the reasons for the finding.

2. Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80C-8 only if the Director finds that:
  - (a) The Proposed Project is described adequately in an approved PDA Development Plan or Urban Renewal Area Plan applicable to the Proposed Project's location; and
  - (b) The Proposed Project is consistent with such PDA Development Plan or Urban Renewal Area Plan; and
  - (c) The applicable PDA Development Plan or Urban Renewal Area Plan has been approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with Section 3-1A.a or Section 3-1A.b, and in accordance with Section 80C-5 and Section 80C-6.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Project is consistent with the PDA Plan or Urban Renewal Area Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in such plan or of proposed public benefits, such updated materials and information shall not be deemed to be an amendment to such plan.

3. Adequacy of Description. For purposes of this Section 80C-8, the description of a Proposed Project in a PDA Plan or Urban Renewal Area Plan is adequate if it describes the following project elements:
  - (a) size, including gross floor area, building height, and FAR;
  - (b) uses; and
  - (c) location, including the location of each proposed building and use.

**SECTION 80C-9. Effect of Planned Development Areas and Urban Renewal Areas on Applicability of Other Zoning Requirements.** A Proposed Project within a Planned Development Area or Urban Renewal Area shall comply with underlying zoning except where the provisions of Section 3-1A.a or Section 3-1A.b, or the

provisions of the underlying zoning concerning Planned Development Areas or Urban Renewal Areas, specify otherwise.

The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved PDA Development Plan or Urban Renewal Area Plan, as amended from time to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the proviso of Section 5 that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved PDA Development Plan or Urban Renewal Area Plan.



## D. INSTITUTIONAL MASTER PLAN REVIEW

**SECTION 80D-1. Purpose of Institutional Master Plan Review.** The purpose of Institutional Master Plan Review is to provide for the well-planned development of hospitals and colleges in order to enhance their public service and economic development role in the surrounding neighborhoods. Institutional Master Plan Review recognizes that hospitals and colleges need to expand and renovate their facilities more frequently than do other uses, and that the cumulative effects of incremental expansion may be greater than, or different from, the effects of each project individually. To assess these cumulative impacts and determine appropriate community benefits, Institutional Master Plan Review examines the combined impacts of an institution's overall development program and affords the public the opportunity for review and comment.

To allow for the most comprehensive description of future development concepts, the review process allows an Institutional Master Plan to describe future projects in general terms; however, before a project may be built, the plan must include an adequate description of the project for city planning purposes. Institutional Master Plan Review is not intended to supersede or replace Large Project Review or Small Project Review: those review procedures apply as set forth in Section 80B-2 (Applicability of Large Project Review) and Section 80E-2 (Applicability of Small Project Review).

## **SECTION 80D-2. Applicability of Institutional Master Plan Review.**

1. Districts in which Institutional Master Plan Review is Required. The provisions of Section 80D-10 requiring a Certification of Consistency or a Certification of Exemption shall apply only in those zoning districts where Institutional Master Plan Review is required, pursuant to the underlying zoning.
2. Review Thresholds; Exempt Projects.
  - (a) Review Thresholds. The thresholds for Institutional Master Plan Review are as set forth in the underlying zoning. The provisions of Section 80D-10 requiring a Certification of Consistency for Institutional Master Plan Review shall apply to any Proposed Institutional Project that is subject to Institutional Master Plan Review, pursuant to the underlying zoning.
  - (b) Exempt Projects. If a Proposed Institutional Project is exempt from Institutional Master Plan Review, pursuant to the underlying zoning, or pursuant to subsection 3 of this Section 80D-2 (Exemption for Small Institutions), such Proposed Institutional Project shall be exempt from the requirement to obtain a Certification of Consistency,

pursuant to subsection 1 of Section 80D-10, and shall instead obtain a Certification of Exemption, pursuant to subsection 2 of said Section 80D-10.

3. Exemption for Small Institutions. Notwithstanding any contrary provision of this Section 80D-2, the provisions of this Article requiring Institutional Master Plan Review shall not apply to a Proposed Institutional Project if the combined gross floor area of the Proposed Institutional Project and all of the other Institutional Uses of the same Institution is less than one hundred fifty thousand (150,000) square feet; provided, however, that the Institution may elect to seek approval of an Institutional Master Plan, and as of the date of such approval, the Institutional Uses of the Institution shall be subject to the provisions of this Article requiring Institutional Master Plan Review.
4. Regulations Applicable to Exempt Projects. A Proposed Institutional Project that is exempt from the Institutional Master Plan Review requirement of this Article, pursuant to this Section 80D-2, and not electively described in an Institutional Master Plan, pursuant to subsection 5 of this Section 80B-2, shall be governed by the use, dimensional, and other regulations of the underlying zoning applicable to the use category that most closely describes such project.
5. Election to Include Exempt Project in Institutional Master Plan. An applicant for an Institutional Master Plan approval, renewal, or amendment may elect, in its submission materials, to make any exempt project subject to the provisions of its Institutional Master Plan, in which event such Proposed Institutional Project shall be governed by the provisions of this Article requiring Institutional Master Plan Review, notwithstanding any contrary provision of this Section 80B-2.

#### **SECTION 80D-3. Scope of Review; Content of Institutional Master Plans.**

An Institutional Master Plan shall include the elements described in this Section 80D-3 to provide a basis for evaluating, for city planning purposes, the impact on the surrounding neighborhoods of the Institution's current and future projects, except those elements excluded from review as specified in the Scoping Determination issued pursuant to Section 80D-5.

The Institutional Master Plan shall project its proposed development plan at least eight (8) years into the future, commencing from the date of submission of the Institutional Master Plan, and shall include within the plan all currently planned Proposed Institutional Projects that are not exempt under Section 80D-2 and any projects that are electively included in the Institutional Master Plan. In addition, the plan shall set out and define the longer term goals of the Institution, a minimum of ten



(10) years into the future. These goals should address the broad direction to be taken by the Institution with regard to its growth and services.

An Institutional Master Plan prepared pursuant to this Article shall cover the current and proposed properties, uses, and activities of the Institution within the areas of the City where preparation of an Institutional Master Plan is required. An Institutional Master Plan shall include each of the following elements, except to the extent waived by the Boston Redevelopment Authority, as determined in the Scoping Determination issued pursuant to Section 80D-5:

- (a) Mission and Objectives. A statement that defines the organizational mission and objectives of the Institution, and a description of how all development contemplated or defined by the Institutional Master Plan advances the goals and objectives of the Institution. The statement should describe the population to be served by the Institution, and any projected changes in the size or composition of that population. It should also specify any services to be provided to Boston residents in adjacent neighborhoods and in other areas of the City.
- (b) Existing Property and Uses. A description of land, buildings, and other structures occupied by Institutional Uses of the Institution as of the date of submission of the Institutional Master Plan, with such information including, for each property, the following: (i) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, and other significant improvements; (ii) land and building uses; (iii) building gross square footage; (iv) building height in stories and, approximately, in feet; (v) a description of off-street parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility; and (vi) existing building linkage payments.
- (c) Needs of the Institution. A summary and projection of the Institution's current and future needs for the following facilities: (i) academic; (ii) service; (iii) research; (iv) office; (v) housing; (vi) patient care; (vii) public assembly; (viii) parking; and other facilities related to the Institutional Use. Such needs shall be defined in relationship to the Institution's goals and objectives as previously described.
- (d) Proposed Future Projects. A description of any proposed future projects of the Institution within the areas of the City where preparation of an Institutional Master Plan is required (other than projects that are exempt under Section 80D-2 and not electively included in the Institutional Master Plan) and their relationship to present and future needs. The required descriptions may include:

- (i) site locations and approximate building footprints;
  - (ii) uses (specifying the principal subuses of each land area, building, or structure, such as classroom, laboratory, parking facility);
  - (iii) square feet of gross floor area;
  - (iv) square feet of gross floor area eliminated from existing buildings through demolition of existing facilities;
  - (v) floor area ratios;
  - (vi) building heights;
  - (vii) parking areas or facilities to be provided in connection with proposed projects;
  - (viii) any applicable urban renewal plans, land disposition agreements, or the like;
  - (ix) current zoning of sites;
  - (x) total project cost estimates;
  - (xi) estimated development impact payments;
  - (xii) approximate timetable for development of Proposed Institutional Projects, with the estimated month and year of construction start and construction completion for each.
- (e) Institutional Transportation and Parking Management and Mitigation Plan. A description of the Institution's existing transportation and parking characteristics, a description of parking to be provided over the term of the Institutional Master Plan, a projection of impacts associated with the projects proposed in the Institutional Master Plan, and a set of transportation goals and mitigation measures to address these impacts.
- (f) Pedestrian Circulation Guidelines and Objectives. A statement of guidelines and objectives for pedestrian circulation system to be provided through the campus of the Institution, including guidelines and objectives regarding the accessibility to the general public of any pedestrian areas and open spaces.



- (g) Urban Design Guidelines and Objectives. A statement of urban design guidelines and objectives for new and renovated buildings to assure their compatibility with supporting neighborhoods and districts and to minimize potential adverse impacts on historic structures.
- (h) Job Training Analysis. A description of the Institution's current workforce and projected future employment needs in connection with future projects and a description of current and/or proposed programs with Boston schools and other programs to train and employ students from Boston, and particularly from neighborhoods in the vicinity of the Institution, at the requisite skill levels.
- (i) Community Benefits Plan. An identification of community benefits that mitigate impacts of proposed future projects or otherwise are appropriate to and enhance the surrounding communities.
- (j) Additional Elements. Such additional elements as the Boston Redevelopment Authority shall determine are necessary adequately to describe and to evaluate the Institution's proposed development program.

#### **SECTION 80D-4. Standards for Institutional Master Plan Review Approval.**

The Adequacy Determination issued pursuant to Section 80D-5 shall require compliance with each element of the Scoping Determination. In addition, the Boston Redevelopment Authority shall approve an Institutional Master Plan only if the Authority finds that: (a) the Institutional Master Plan conforms to the provisions of this Article; (b) the Institutional Master Plan conforms to the general plan for the City as a whole; and (c) on balance, nothing in the Institutional Master Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

#### **SECTION 80D-5. Boston Redevelopment Authority Review Procedures.**

1. Initiating the Review Process. The Applicant shall initiate the Institutional Master Plan Review process by filing an Institutional Master Plan Notification Form (IMPNE) in writing with the Boston Redevelopment Authority. The Applicant is encouraged to request a pre-review planning meeting with Boston Redevelopment Authority staff, pursuant to Section 80A-2, prior to filing the IMPNE.
  - (a) Time for Filing IMPNE. If the Institutional Master Plan will include one or more Proposed Institutional Projects, the Applicant should file the IMPNE prior to the commencement of Large Project Review for any such project.

- (b) Content of IMPNF. The IMPNF shall include those elements of an Institutional Master Plan identified in paragraphs (a) (Mission and Objectives) and (d) (Proposed Future Projects) of Section 80D-3 (concerning the content of Institutional Master Plans) and summary descriptions of any Proposed Institutional Projects that are to be included in the Institutional Master Plan, including height, square footage, location, and uses (including the location of any High Impact Subuse). If any Proposed Institutional Project exceeds the thresholds for Large Project Review, pursuant to Section 80B-2, the IMPNF also shall include summary statements of anticipated impacts of such projects in the impact areas identified in Section 80B-3 (concerning the scope of Large Project Review).
  - (c) Public Notice. After receiving the IMPNF, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. Copies of the IMPNF shall be distributed as required by Section 80A-5.
  - (d) Abbreviated IMPNF for Certain Amendments. If a proposed amendment to an approved Institutional Master Plan meets the requirements of Section 80D-9.2 (Expedited Review for Certain Small Projects), the requirements for the IMPNF shall be as set forth in Section 80D-9.2.
  - (e) Waiver of Further Review of Unchanged Plans. If, upon review of an IMPNF for the renewal or amendment of an approved Institutional Master Plan, the Boston Redevelopment Authority determines that:
    - (i) no new Proposed Institutional Projects are planned; (ii) no changes in the Institutional Master Plan are proposed that would constitute a change in the use, dimensional, parking, or loading elements of the Institutional Master Plan (other than de minimus dimensional changes); and (iii) no significantly greater impacts would result from continued implementation of the approved Institutional Master Plan than were originally projected, then the Boston Redevelopment Authority shall waive further review of the renewal or amendment application and approve the IMPNF and approved Institutional Master Plan together as the renewed or amended Institutional Master Plan.
2. Scoping Determination. Based on its review of the IMPNF and any public comments received in a timely manner, pursuant to this Section 80D-5.2, the Boston Redevelopment Authority shall issue a written Scoping Determination setting forth in sufficient detail those elements set forth in Section 80D-3 (concerning the content of Institutional Master Plans) that the Applicant must include in the Institutional Master Plan. The Scoping



Determination also may set forth any modifications to the schedule and document requirements set forth in this Section 80D-5 that the Boston Redevelopment Authority may allow pursuant to Section 80A-1 (Coordination of Review Procedures).

- (a) Time for Issuance of Scoping Determination. The Boston Redevelopment Authority shall issue the Scoping Determination no later than forty-five (45) days after the Boston Redevelopment Authority's receipt of the IMPNF. If the Boston Redevelopment Authority has not issued the Scoping Determination within such time, the Applicant may submit a proposed Scoping Determination to the Boston Redevelopment Authority. The Boston Redevelopment Authority shall have twenty-one (21) days to accept or amend the Applicant's proposed Scoping Determination, provided that, if the Boston Redevelopment Authority takes no action within such time, the Applicant's proposed Scoping Determination shall be deemed accepted.
- (b) Public Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority within thirty (30) days after the publication of notice of the IMPNF, pursuant to subsection 1 of this Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Scoping Session. Prior to issuing the Scoping Determination, the Boston Redevelopment Authority may hold a scoping session with the Applicant and any public agencies that responded in a timely manner to the notice issued pursuant to subsection 3 of Section 80A-1 inviting the participation of public agencies.
- (d) Limited Scope of Review for Certain Institutional Master Plan Amendments. If a proposed amendment to an approved Institutional Master Plan is limited to the addition of one or more Proposed Institutional Projects to the Institutional Master Plan and does not involve renewal of the Institutional Master Plan, the Boston Redevelopment Authority shall limit the scope of review of such proposed amendment to an examination of the impacts of such Proposed Institutional Projects, taking into consideration the cumulative impacts of such projects when added to existing uses and to the other Proposed Institutional Projects already described in the approved Institutional Master Plan. This paragraph (d) of Section 80D-5.2 shall not apply to an amendment that is part of an application for renewal of an Institutional Master Plan, pursuant to Section 80D-8.

- (e) Waiver of Scoping Determination. If a proposed amendment to an approved Institutional Master Plan meets the requirements of subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects), the Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, as provided by said subsection 2.

3. Institutional Master Plan and Adequacy Determination.

- (a) Institutional Master Plan. The Applicant shall satisfy the requirements of the Scoping Determination in the preparation of an Institutional Master Plan.
- (b) Public Notice and Comment. After receiving the Institutional Master Plan, the Boston Redevelopment Authority shall publish notice of such receipt as required by Section 80A-4. Copies of the Institutional Master Plan shall be distributed as required by Section 80A-5. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than sixty (60) days after the publication of such notice, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).
- (c) Adequacy Determination. Within the time specified by paragraph (i) of this Section 80D-5.3, the Boston Redevelopment Authority shall issue a written Adequacy Determination approving, conditionally approving, or disapproving the Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, it shall provide specific reasons for the disapproval, setting forth the areas in which the Institutional Master Plan is a variance with the requirements of the Scoping Determination. An Adequacy Determination that conditionally approves, or disapproves, the Institutional Master Plan, in whole or in part, may require additional information, studies, and mitigation measures, provided that such requirements are within the breadth of the Scoping Determination.
  - (i) Time for Issuance of Adequacy Determination. The Boston Redevelopment Authority shall issue the Adequacy Determination within ninety (90) days following the Boston Redevelopment Authority's receipt of the Institutional Master Plan pursuant to this subsection 3 of Section 80D-5, except as provided in subsection 2 of Section 80D-9 (Expedited Review for Certain Small Projects).



- (ii) Public Hearing. Prior to issuing its Adequacy Determination, the Boston Redevelopment Authority shall hold a public hearing, and shall publish notice thereof pursuant to Section 80A-4, except that no public hearing shall be required for an Institutional Master Plan renewal or amendment that satisfies the requirements of paragraph (e) (Waiver of Further Review of Unchanged Plans) of Section 80D-5.1.

- 4. Revision of Institutional Master Plan. If the Adequacy Determination disapproves the Institutional Master Plan, the Applicant shall revise the Institutional Master Plan before resubmitting it to the Boston Redevelopment Authority. The revised and resubmitted Institutional Master Plan shall be reviewed in the manner, and subject to the requirements, set forth in subsection 3 (Institutional Master Plan and Adequacy Determination) of this Section 80D-5.

**SECTION 80D-6. Zoning Commission Approval.** Upon approval of the Institutional Master Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Institutional Master Plan to the Zoning Commission for its consideration.

No Zoning Commission approval shall be required for a renewal or amendment of an approved Institutional Master Plan, if such renewal or amendment: (a) meets the requirements of Section 80D-5.1(e) (Waiver of Further Review of Unchanged Plans) or Section 80-9.2 (Expedited Review for Certain Small Projects), and (b) does not add additional land to the approved Institutional Master Plan. In such case, the date of the Boston Redevelopment Authority's approval of such renewal or amendment, pursuant to Section 80D-5, shall constitute the new approval date for such Institutional Master Plan.

**SECTION 80D-7. Update of Institutional Master Plan.** An approved Institutional Master Plan shall be updated annually, on or before the anniversary of the approval date of the Institutional Master Plan.

To update its Institutional Master Plan, an Institution shall file with the Boston Redevelopment Authority a description of all projects that: (a) have been completed since the most recent annual update or Institutional Master Plan approval or renewal date, (b) are ongoing, including a description of the status and estimated timetables for completion of such projects, or (c) are scheduled to begin in the upcoming twelve (12) months, including estimated timetables for the commencement, progress, and completion of such projects. Such descriptions shall include any other information necessary to clarify the information required by items (a), (b), or (c) of this Section 80D-7.

The annual update of an Institutional Master Plan shall not constitute an amendment or renewal of such Institutional Master Plan, and the description of a project in such annual update shall not serve to add any such project to any applicable Institutional Master Plan without an amendment of such Institutional Master Plan pursuant to Section 80D-9.

Failure to update an Institutional Master Plan shall not affect the status under the Institutional Master Plan of then existing uses or structures, or of building, use, or occupancy permits already issued.

#### **SECTION 80D-8. Renewal of Institutional Master Plan.**

1. Time for Renewing Institutional Master Plan. An approved Institutional Master Plan may be renewed at any time.

If an Institution fails to file an IMPNF seeking renewal of an Institutional Master Plan on or before the eighth (8th) anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required), or if, having made such filing, the Institution thereafter fails diligently to make the necessary filings and otherwise fulfill the requirements for renewal set forth in this Section 80D-8, as determined by the Director of the Boston Redevelopment Authority, then the Director shall not issue any Certification of Consistency, pursuant to Section 80D-10, with respect to a Proposed Institutional Project of such Institution until such failure is remedied. Failure to file an IMPNF seeking renewal of an Institutional Master Plan prior to the expiration of such eight (8)- year period shall not affect the status under the Institutional Master Plan of then existing uses or structures or of building, use, or occupancy permits already issued as of such expiration.

Except as otherwise specified in Section 80D-6, the new approval date for the Institutional Master Plan shall be the date of the Zoning Commission's approval of the Institutional Master Plan renewal.

2. Procedure for Renewing Institutional Master Plan. The procedure for renewing an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5.1(e) (Waiver of Further Review of Unchanged Plans) and Section 80D-6 (Zoning Commission Approval).

**SECTION 80D-9. Amendment of Institutional Master Plan.** An approved Institutional Master Plan may be amended at any time.



1. General Procedure for Amending an Institutional Master Plan. The procedure for renewing or amending an Institutional Master Plan shall be identical to that for the initial approval of an Institutional Master Plan, except as set forth in Section 80D-5 and this Section 80D-9.
2. Expedited Review for Certain Small Projects. The expedited review procedure of paragraph (a) of this Section 80D-9.2 shall apply to a proposed amendment to an Institutional Master Plan if: (1) such amendment proposes no changes to the Institutional Master Plan other than the addition of one or more Proposed Projects; and (2) each of such Proposed Projects meets all of the requirements of paragraph (b) of this Section 80D-9.2.
  - (a) Expedited Amendment Procedure. If a proposed amendment meets all the requirements of this Section 80D-9, the following review procedures shall apply:
    - (i) Initiating the Review Process: Abbreviated IMPNF; Waiver of Scoping. The Applicant shall initiate the review process by filing with the Boston Redevelopment Authority the approved Institutional Master Plan, together with an IMPNF that includes summary descriptions of all Proposed Institutional Projects that are to be included in the amended Institutional Master Plan, as required by paragraph (b) (Content of IMPNF) of Section 80D-5.1, and a statement that no other changes to the approved Institutional Master Plan are proposed. The Boston Redevelopment Authority shall waive the requirement of a Scoping Determination, pursuant to paragraph (e) of Section 80D-5.2.
    - (ii) Public Notice and Comment. Public comments, including the comments of public agencies, shall be transmitted in writing to the Boston Redevelopment Authority no later than thirty (30) days after the publication of notice of the IMPNF, pursuant to Section 80D-5.1. Copies of the IMPNF shall be distributed as required by Section 80A-5.
    - (iii) Adequacy Determination. The Boston Redevelopment Authority shall issue its written Adequacy Determination, pursuant to Section 80D-5.4, within sixty (60) days after the Boston Redevelopment Authority's receipt of the IMPNF, pursuant to paragraph (i) of this Section 80D-9.2(b). Nothing in this Section 80D-9.2 shall affect the requirements set forth in Section 80D-5 for full community participation in the Boston Redevelopment Authority's review of an amendment to an

Institutional Master Plan, including but not limited to the requirement of a public hearing pursuant to paragraph (b) of Section 80D-5.4.

- (b) Projects Qualifying for Expedited Amendment Procedure. A Proposed Institutional Project shall qualify for the expedited amendment procedure of this Section 80D-9.2 if such project is not subject to Large Project Review, pursuant to Section 80B-2 (Applicability of Large Project Review), and such project meets all of the requirements of paragraph (i) or paragraph (ii), below:
- (i) the Proposed Institutional Project is an exempt project, as provided in subsection 2 of Section 80D-2, and the Institution elects to make such project subject to the provisions of its Institutional Master Plan pursuant to subsection 5 of Section 80D-2; or
  - (ii) the Proposed Institutional Project is not an exempt project, pursuant to Section 80D-2, and the project meets all of the following requirements:
    - (1) the project is located within an Institutional District or Subdistrict or, if it is located outside an Institutional District or Subdistrict, the use that most closely describes such project is designated in the underlying zoning as an allowed use; and
    - (2) if the project is located outside an Institutional District or Subdistrict, its dimensions and parking and loading spaces meet all the requirements of the underlying zoning applicable to the use that most closely describes the project; and
    - (3) the project is not for one or more of the High Impact Subuses identified in the definition of such use in Article 2A.

**SECTION 80D-10. Enforcement: Certification of Consistency.** The Commissioner of Inspectional Services shall not issue a building, use, or occupancy permit for any Proposed Institutional Project that is located in a district or subdistrict in which Institutional Master Plan Review is required, pursuant to the underlying zoning, unless the Director of the Boston Redevelopment Authority has issued either:

- (i) a Certification of Consistency, pursuant to subsection 1 of this Section 80D-10, if the Proposed Institutional Project is subject to



Institutional Master Plan Review, pursuant to subsection 2(a) of Section 80D-2; or

- (ii) a Certification of Exemption pursuant to subsection 2 of this Section 80D-10, if the Proposed Institutional Project is exempt from Institutional Master Plan Review, pursuant to subsection 2(b) of Section 80D-2.

1. Certification of Consistency.

- (a) Procedure. The Commissioner of Inspectional Services shall forward to the Boston Redevelopment Authority a copy of any building permit application filed with the Commissioner (including a copy of each plan, drawing, and specification filed in connection therewith) for a Proposed Institutional Project for which a Certification of Consistency is required, pursuant to Section 80-6, within thirty (30) days after the completed building permit application is filed with the Commissioner.

Within sixty (60) days after the Boston Redevelopment Authority has received from the Commissioner of Inspectional Services a copy of the completed building permit application, the Director of the Boston Redevelopment Authority shall transmit to the Commissioner a Certification of Consistency, pursuant to this Section 80D-10, or a finding of inconsistency, or a finding of consistency with conditions. In the case of a finding of inconsistency or a finding of consistency with conditions, the Director shall, within said sixty (60)-day period, notify the Commissioner in writing, specifying the reasons for the finding.

- (b) Findings. The Director of the Boston Redevelopment Authority shall issue a Certification of Consistency pursuant to this Section 80D-10 only if the Director finds that:
  - (i) The Proposed Institutional Project is described adequately in an Institutional Master Plan; and
  - (ii) The Proposed Institutional Project is consistent with such Institutional Master Plan, including the requirement of subsection 4 of this Section 80D-10 concerning the location of High Impact Subuses; and
  - (iii) The Institutional Master Plan:
    - (1) has been approved by the Boston Redevelopment Authority in accordance with Section 80D-5; and

- (2) has been approved by the Zoning Commission in accordance with Section 80D-6; and
- (3) is in compliance with the update requirements of Section 80D-7; and
- (4) is in compliance with the renewal requirements of Section 80D-8.

Prior to issuing a Certification of Consistency, the Director of the Boston Redevelopment Authority may require the Applicant to submit information and materials as necessary to evaluate whether the Proposed Institutional Project is consistent with the Institutional Master Plan. Provided that such updated materials and information do not alter or require alteration of the development program proposed in the Institutional Master Plan or of proposed mitigation measures, such updated materials and information shall not be deemed to be an amendment to the Institutional Master Plan.

- (c) Adequacy of Description. For purposes of this Section 80D-10, the description of a Proposed Institutional Project in an Institutional Master Plan is adequate if it describes the following project elements:
    - (1) size, including gross floor area, building height, and FAR;
    - (2) uses, including each High Impact Subuse; and
    - (3) location, including the location of each High Impact Subuse.
  - (d) Consistency of Location of High Impact Subuses. Notwithstanding any contrary provision of Article 2A (Neighborhood District Definitions) or this Code concerning the subuses of Institutional Uses, the location of any Proposed Institutional Project for a High Impact Subuse must be consistent with the location specified for such Proposed Institutional Project in the Institutional Master Plan.
2. Certification of Exemption. If an Applicant believes that a Proposed Institutional Project is exempt from the Institutional Master Plan Review requirements of this Article, pursuant to Section 80D-2, the Applicant shall file written notice to the Inspectional Services Department setting forth the reasons why such project is exempt from such requirements. The notice shall include the following information for the Proposed Institutional Project: (a) size, including gross floor area, height, and FAR; (b) use, including any High Impact Subuses; and (c) location, including the location of any High Impact Subuses. The Inspectional Services Department shall transmit a



copy of the notice to the Boston Redevelopment Authority. Within ten (10) days after the Boston Redevelopment Authority's receipt of such notice, the Director of the Boston Redevelopment Authority shall certify to the Inspectional Services Department, in writing, that the Proposed Institutional Project is exempt from the Institutional Master Plan requirements of this Article, pursuant to the applicable subsections of Section 80D-2 and the underlying zoning, or shall transmit to the Inspectional Services Department, in writing, the Director's finding: (a) that the Proposed Institutional Project is not so exempt, citing the reason therefor, or (b) that further information is needed to make such a determination, specifying the information needed.

**SECTION 80D-11. Effect on Applicability of Other Zoning Requirements.**

Any use or structure that has received a Certification of Consistency, pursuant to Section 80D-10, and that has received a Certification of Compliance with Large Project Review, pursuant to Section 80B-6, if applicable, shall be deemed to be in compliance with the use, dimensional, parking and loading requirements of the underlying zoning, notwithstanding any provision of the underlying zoning to the contrary and without the requirement of further zoning relief.

## III. SMALL PROJECT REVIEW:

Approval by Boston Redevelopment Authority Staff

**SECTION 80E-1. Purpose of Small Project Review.** The purpose of Small Project Review is to provide a concise procedure for reviewing the design of projects that do not require Large Project Review but that can be expected to affect the surrounding area and public realm because of their size or location. Small Project Review determines whether a project is consistent with the design guidelines and site plan standards established for the project location, as well as with City-wide requirements for barrier-free access. Because the anticipated impacts of small projects are limited and readily ascertainable, Small Project Review is limited to a review by the Boston Redevelopment Authority staff.

**SECTION 80E-2. Applicability of Small Project Review.** The requirement of a Certification of Approval for Small Project Review, pursuant to Section 80E-6, shall apply only to those Proposed Projects specified in this Section 80E-2 that are not otherwise subject to Large Project Review, pursuant to Section 80B-2.

1. Design Component. The Design Component of Small Project Review shall apply to the following Proposed Projects:

- (a) Downtown and Harborpark.

- (i) Design Review Required by Applicable Zoning. Any Proposed Project that is required, pursuant to the underlying zoning, to be consistent with any urban design guidelines established for the location of such project.
  - (ii) Design Review Required by Board of Appeal. Any Proposed Project for which design review is required by a decision of the Board of Appeal as a condition for zoning relief.

- (b) Neighborhoods.

- (i) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more square feet. In Local Industrial Subdistricts and Industrial Development Areas, the Boston Redevelopment Authority may waive the requirements of design review if the Authority determines that the Proposed Project, when completed, will not be visible from a public street outside such subdistrict.



- (ii) Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).
- (iii) Exterior Alterations in Neighborhood Design Overlay Districts. Within any Neighborhood Design Overlay District (NDOD), any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing building, and any Proposed Project for the erection or extension of a building with a gross floor area of three hundred (300) or more square feet, or for an exterior alteration to change the building massing or the size or location of door or window openings, where such exterior alteration affects three hundred (300) or more square feet of exterior wall area, if such new building, extension, or exterior wall alteration is visible from any public street or public open space.
- (iv) Design Review Required by Board of Appeal. Any Proposed Project for which design review is required by a decision of the Board of Appeal as a condition for zoning relief.

The provisions of this subsection 1 (Design Component) of Section 80E-2 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

- (c) Waiver or Modification of Small Project Review Requirements for Certain Projects in Industrial Areas. The purpose of this subsection 80E-2.1(c) is to allow the Boston Redevelopment Authority to waive or modify the requirements of Small Project Review for certain industrial projects located in designated industrial areas if the Authority has determined that such waiver or modification will promote the city planning and economic development goals set forth in this Code for such area and that such Proposed Project will not generate adverse impacts outside the Lot. The Boston Redevelopment Authority may waive or modify all or part of the requirements of Section 80E-3 through Section 80E-6 with respect to a Proposed Project if:
  - (i) such Proposed Project is located in one of the following districts or subdistricts:

EDA - Economic Development Area  
I - General Industrial  
IDA - Industrial Development Area  
LI - Local Industrial  
LIA - Logan International Airport  
M - Restricted Manufacturing  
WM - Waterfront Manufacturing

or in an industrial park, as defined in Section 80-4; and

- (ii) such Proposed Project is allowed as of right in such location, as indicated by the designation "Allowed" or "A" in the underlying zoning; and
  - (iii) the Authority determines that, with respect to those impacts that may be addressed in the Design Component of Small Project Review, pursuant to Section 80E-3.1, the Proposed Project will not have significant adverse impacts outside the Lot; and
  - (iv) the Authority determines that the Proposed Project will promote the city planning and economic development purposes of the industrial area where the Proposed Project is located, as such purposes are identified in the underlying zoning or, in the case of an industrial park, as specified in the applicable Economic Development Plan or the applicable MEPA plan approved pursuant to Chapter 310 of the Code of Massachusetts Regulations, as amended.
2. Site Plan Component: Projects in Conservation Protection Subdistricts and Greenbelt Protection Overlay Districts. The Site Plan Component of Small Project Review shall apply to any Proposed Project in a Conservation Protection Subdistrict (CPS) or a Greenbelt Protection Overlay District (GPOD) that: (a) adds five thousand (5,000) or more square feet of gross floor area; or (b) moves one hundred (100) or more cubic yards of earth; or (c) increases the impervious surface of the site by two thousand (2,000) or more square feet.
3. Comprehensive Sign Design. The regulations governing Small Project Review shall apply as specified in Sections 80E-1 through 80E-6 to any application for approval of a comprehensive sign design, pursuant to Section 11-2.

**SECTION 80E-3. Scope of Small Project Review; Content of Application.**  
Small Project Review shall consist of one or more of the following components: (1)



design; (2) site plan; and (3) comprehensive sign design. The components of Small Project Review are applicable as set forth in Section 80E-2.

1. Design Component. If a Proposed Project is subject to the Design Component of Small Project Review, the application submitted to the Inspectional Services Department pursuant to Section 80E-5 shall include such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is consistent with the standards set forth in Section 80E-4 (Standards for Small Project Review Approval). Such materials shall set forth, for the existing conditions and for the Proposed Project:
  - (a) vehicular access and egress to and from the site;
  - (b) location and dimensions of all buildings, structures, and parking and loading areas;
  - (c) relationships of primary buildings to secondary buildings;
  - (d) landscaping and screening;
  - (e) roof shapes, cornice lines, and roof structures;
  - (f) exterior wall articulation, fenestration, and other architectural features; and
  - (g) proposed sign locations.
2. Site Plan Component. If a Proposed Project is subject to the Site Plan Component of Small Project Review, the application submitted pursuant to Section 80E-5 shall include a site plan containing those elements of the materials and information set forth in subsection 6 of Section 80B-3 (concerning the Site Plan Component of Large Project Review) that the Boston Redevelopment Authority finds are necessary to determine whether the Proposed Project is consistent with the standards for site plan approval set forth in Section 80E-4.
3. Comprehensive Sign Design. If an Applicant seeks approval of a comprehensive sign design, pursuant to Section 11-2, the application submitted pursuant to Section 80E-5 shall consist of a plan showing all proposed signs and related architectural features on the sign frontage for which comprehensive sign design approval is sought.

**SECTION 80E-4. Standards for Small Project Review Approval.**

1. Design Component. Any Proposed Project that is subject to the Design Component of Small Project Review shall be consistent with any urban design guidelines established for the location of the Proposed Project, as set forth in the underlying zoning. Such design guidelines may relate to any planning area or district and may include particular architectural requirements concerning building massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics. In addition, any Proposed Project that: (i) does not include a Residential Use or Hotel Use, or (ii) includes a Residential Use or Hotel Use having twelve (12) or more dwelling units, shall meet the standards for barrier-free access set forth in subsection 1 of Section 80B-4 (concerning approval standards for the Urban Design Component of Large Project Review).
2. Site Plan Component. Any Proposed Project that is subject to the Site Plan Component of Small Project Review, shall be consistent with the standards set forth in subsection 2 of Section 80B-4 (concerning approval standards for the Site Plan Component of Large Project Review).
3. Comprehensive Sign Design. A proposed comprehensive sign design shall achieve a complementary and harmonious synthesis of signs and architectural features, as required by Section 11-2.

**SECTION 80E-5. Procedures for Small Project Review.**

1. Application. An application for Small Project Review shall contain the information required by Section 80E-3 for each applicable review component.

If the Design Component of Small Project Review is required by the Board of Appeal as a condition of zoning relief, the information required for such design review shall be submitted to the Boston Redevelopment Authority by the Applicant pursuant to such requirement. Otherwise, the information required by Section 80E-3 for each applicable component of Small Project Review shall be included in any application to the Inspectional Services Department for a building or use permit for a Proposed Project that is subject to Small Project Review. The Inspectional Services Department shall transmit a copy of such application to the Boston Redevelopment Authority. If the Site Plan Component is required, the Inspectional Services Department also shall transmit a copy of such application to the Boston Environment Department. The Boston Redevelopment Authority shall send a notice to the Neighborhood Council for the neighborhood in which the Proposed Project is located. The notice



shall indicate that the Authority has received an application for Small Project Review and include information on how the Neighborhood Council may obtain a copy of the application and register its comments with the Authority. If there is no Neighborhood Council for such neighborhood, the Boston Redevelopment Authority may send such notice to a similar community-based organization that ordinarily reviews planning and development issues for the geographic area in which the Proposed Project is located.

2. Review and Approval. The Boston Redevelopment Authority, through its staff, may find that the Proposed Project is consistent with the standards set forth in Section 80E-4 or is not consistent with those standards. The Director of the Boston Redevelopment Authority shall certify such findings to the Inspectional Services Department, pursuant to Section 80E-6, or to the Board of Appeal, if required by the Board, within any applicable time periods set forth in this Section 80E-5.

If the Site Plan Component is not required, the Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within forty-five (45) days after the Boston Redevelopment Authority's receipt of the application pursuant to this Section 80E-5.

If the Site Plan Component is required:

1. The Boston Environment Department may, within forty-five (45) days after its receipt of the application, file with the Boston Redevelopment Authority a report with recommendations, together with maps, plans, and other materials to aid the Boston Redevelopment Authority in determining consistency with the approval standards for the Site Plan Component set forth in Section 80E-4. The Boston Redevelopment Authority shall not transmit its findings to the Inspectional Services Department until the Boston Redevelopment Authority has received and considered the Boston Environment Department's report with recommendations; provided that if the Boston Redevelopment Authority has not received such report within such forty-five (45) days, it may transmit the Director's certification to the Inspectional Services Department without such report.
2. The Boston Redevelopment Authority shall transmit the Director's certification to the Inspectional Services Department within sixty (60) days after the Boston Redevelopment Authority's receipt of the application pursuant to this Section 80E-5.

**SECTION 80E-6. Enforcement: Certification of Approval.** The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to Small Project Review, pursuant to Section 80E-2,

unless the Director of the Boston Redevelopment Authority has certified on the application for such permit, and on each and every plan filed with the Commissioner of Inspectional Services in connection with such application, that such Proposed Project has been approved by the Boston Redevelopment Authority pursuant to Section 80E-5.



**APPENDIX A**

**Downtown**

**[To be added]**

**APPENDIX B**

**Harborpark**

**[To be added]**



**APPENDIX C**

**Neighborhoods**

**[To be added]**

APPENDIX D

Articles and Sections of the Boston Zoning Code  
Superseded by Article 80

A. Articles Superseded in Their Entirety

Article 26 Development Impact Projects

Article 26A Development Impact Projects - Housing

Article 26B Development Impact Projects - Job Training

Article 30 Barrier-Free Access

Article 31 Development Review Requirements

Article 31A Disclosure of Beneficial Interests

B. Superseded Sections of Articles

[To be added.]



## APPENDIX E

Disclosure Statement Concerning Beneficial Interest(s)  
Required by Article 80, Section 80B-8, of the Boston Zoning Code

- (1) Name of Project: \_\_\_\_\_
- (2) Location: \_\_\_\_\_
- (3) Applicant: \_\_\_\_\_
- (4) I hereby state, under the penalties of perjury, that the true names and addresses of all Persons who have a Beneficial Interest (including the amount of their Beneficial Interest accurate to within one-tenth of one percent if such interest exceeds one percent) in the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAME AND RESIDENCE OF EACH PERSON WITH SAID BENEFICIAL INTEREST (continue on separate sheet if necessary):

	<u>Percentage Interest</u>
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	
NAME: _____	_____
ADDRESS: _____	

## APPENDIX E (continued)

- (5) The undersigned also acknowledges and states that except as stated below, none of the above-listed individuals is an official elected to public office in the Commonwealth of Massachusetts, nor is an employee of the State Department of Capital Planning and Operations.
- (6) I hereby state, under the penalties of perjury, that the names and addresses of all firms and professional corporations employing attorneys, real estate brokers, architects, engineers, planners, or surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application for Zoning Relief on the above-listed property are listed below in compliance with the provisions of Article 80, Section 80B-8, of the Boston Zoning Code.

NAMES AND ADDRESSES OF ALL FIRMS AND PROFESSIONAL CORPORATIONS, AND AGENTS WHO HAVE ACTED ON SAID APPLICATION (continue on separate sheet if necessary):

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNED under the penalties of perjury.

Signature: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Date: \_\_\_\_\_















